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History of North Carolina

BY

SAMUEL A'COURT ASHE

In two Volumes

v. 1, pt. 2

VOLUME I

FROM 1584 TO 1783

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History
of
North Carolina

BY
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Vol. I

Vol. I
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release and safety. William Butler having received this communication from Husband, hastened to the Regulator camp and, the object being accomplished, the insurgents retired. The danger being passed, on February 17th Colonel Hinton discharged the Wake militia, and the other regiments were likewise disbanded. There was a temporary lull; but, nevertheless, the governor and council thought it prudent to perfect the defences at New Bern, where another term of court was to be held early in March.

1771
Regulators
retire

Notwithstanding the remedial acts so lately passed, the Regulators were not at all content. They were inflamed by the passage of the riot act. The power of government had ceased to be feared, and the tyrannical and bloody features of that act, instead of constraining obedience and restoring quiet, only served to arouse their indignation and excite their ire. Rednap Howell, a maker of popular ballads, had moved much among the people, and his rhymes doubtless contributed largely to give them good heart and prepare them for action. There were at least some forty of these popular pieces, although only a few have been preserved. They were indeed well calculated to stir the disaffected and warm them up to patriotic ardor. On the return of the Regulators from their intended expedition to release Husband, their purpose was announced to attend the Salisbury court, then about to be held, and on March 6th some five hundred of them encamped in the woods on the banks of the Yadkin River, where were the Hamiltons, Hunter, James Graham, Teague, Gillespie and other leaders in command. Having arrested Waightstill Avery, a young lawyer of that region, they carried him to their camp, and declared their purpose of flogging Judge Moore, and of killing all the clerks and lawyers. But such vaporings were probably only vain boastings. On the same day Colonel Alexander Martin and John Frohock, who had been officers of Rowan, and who with others were charged with having taken illegal fees, went to their camp and desired to know their designs and purposes. To them they answered that they had no intention to disturb the court or to injure any person; and that they were armed only to defend themselves if assaulted. On being informed that their late behavior to

C. R., VIII,
519-521,
523, 525

1771

Adjustment
agreed on

the judges had been such that no court would be held, they seemed greatly concerned. A plan was then proposed for accommodating matters between the people and the officers of Rowan against whom they complained. The matters in dispute were to be left to arbitrators, the Regulators appointing Husband, Graham, Hunter and Thomas Person to act for them; Martin and Frohock chose Matthew Locke, John Kerr, Samuel Young and James Smith on their part. The meeting of the arbitrators was fixed for the third Tuesday in May, and the settlement was to extend not only to the officers of Rowan County but to all those who would voluntarily join in the arbitration. The Regulators, evidently pleased at this proposed adjustment, gave three cheers and returned to their homes. Well had it been had this path to peace been pursued, and by this settlement out of court the tranquillity of the province been restored. But circumstances were no longer favorable to such negotiations.

Alamance

March, 1771
C. R., VIII,
528-531
Indictments

On March 11th another special court convened at New Bern attended by the chief justice and Judges Moore and Henderson. The grand jury on the 15th presented the insurgents as being enemies to government, and to the liberty, happiness and tranquillity of the inhabitants of the province. True bills were found against Husband, Hunter, Butler, the Hamiltons, James Few, Rednap Howell and many other leaders of the Regulators, there being thirty-one persons indicted, and the witnesses were recognized to attend on May 11th, when the cases were to be tried. On March 18th, two days after the court adjourned, the governor came into possession of a letter written by Rednap Howell a month earlier, from which it appeared that he had been sent to Halifax to "raise the country," and that he had "animated the people to join the Regulation," and he declared "if it once takes a start here it will run into the neighboring counties of Edgecombe, Bute and Northampton." At the same time the governor received a letter from the judges expressing their opinion that they could not attend the superior court at Hillsboro on March 22d with any hope of transacting the business of the court, or indeed with any prospect of personal safety to

C. R., VIII,
530-539

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themselves. The governor submitted these matters to the council, and it was agreed with their advice to raise a sufficient force to maintain order and reduce the insurgents to obedience to the laws. The courts were to be held and the administration of justice was not to cease.

Fearing the extension of the Regulation movement among the inhabitants of the eastern section, an association paper was printed and circulated through the counties for signature, in which those who signed it bound themselves to stand with the government against the Regulators until the tranquillity of the province should be restored; and the governor at once issued orders for the militia to assemble, and called for volunteers and drafts to form a force that would suppress the insurgents. From each county a number was required, aggregating in all 2250 men. The governor hastened to Wilmington and appointed General Waddell general of the forces to be raised, with directions to march through the western counties by way of Salisbury to Orange, while he himself with the eastern militia would march direct to Hillsboro. The governor's authority for this movement was founded on a clause of the riot act; and he was upheld by all of the gentlemen of the east.

Many of them at once volunteered to accompany him on his intended expedition and none held back. Caswell was a colonel, Ashe a general, Harnett was particularly active, while John Harvey was detained by his continued illness. His son, a member of the Assembly, was, like him, esteemed by the governor. On March 19th, the day Governor Tryon issued his orders to the colonels to collect their men, he enclosed a copy to Harvey, saying: "If you . . . can procure from the counties of Pasquotank and Perquimans, with the assistance of Colonel Taylor, a company of fifty men, . . . and contrive so as they might be at Hillsboro the sixth day of May, I should be glad to take them under my command. I take this opportunity to thank you for your kind present to me last winter. . . . I wish your son could command the company." But the Albemarle section was so remote from the scene of disturbance and had so little intercourse with that part of the State that the people took but little interest in the Regulation, and in a general

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The
governor
acts
C. R., VIII,
540-549

C. R., VIII,
543

Waddell in
command

C. R., VIII,
643

1771

way many of the inhabitants sympathized with the Regulators in their distresses. Joseph Montfort, the northern treasurer, had no money of the contingent fund in hand, which under the riot act alone could be used to pay bounties and the expenses of the troops, and so he did not honor the drafts made by Governor Tryon for bounties, and but few volunteers from the Albemarle section participated in the expedition.

C. R., VIII.
651C. R., VIII.
651

The southern treasurer, John Ashe, on the other hand, not only paid out what public moneys he had, but issued notes to the amount of six thousand pounds to meet the expenses of the expedition; and so the same difficulty did not arise in embodying and moving troops from the lower counties.

Frohock and Martin having communicated to the governor their agreement for settlement with the insurgents, the arrangement was denounced by him as "unconstitutional, dishonorable to government, and introductive of a practice most dangerous to the peace and happiness of society." Yet he asserted his abhorrence of the conduct of any man who was guilty of extortion, and declared it to be their duty to give satisfaction and make restitution if they had abused their trust.

C. R., VIII.
545-721Tryon
courts the
struggle

Earlier the governor might have rejoiced at this proposed settlement of differences, but to his mind the situation no longer admitted such an adjustment. The leaders of the Regulators had gone too far. The power of the insurgents to overturn government was too apparent. The day for temporizing had passed. The authority of the law was now to be asserted. While the responses of the eastern militia were far from general, yet a considerable force collected at the call of the governor. Perhaps his greatest disappointment was the action of the Bute militia, some eight hundred of whom assembled, but when invited to volunteer they declined to a man, saying that they favored the Regulators. Almost equal was the attitude of the Wake militia, although after some delay, with considerable efforts, Colonel Hinton secured by draft fifty recruits from that county. Indeed throughout the territory west of Smithfield the great bulk of the inhabitants sympathized with the disaffected element. A considerable proportion of those farther west had but recently

come into the province, were unacquainted with the laws and the system of government, had no association with the eastern people, and knew but little of the leading men who had habitually controlled public affairs. In a word, many of them had so recently become inhabitants and were so unsettled in their new homes, and were so cut off and secluded in the frontier settlements that they were virtually strangers within the commonwealth.

General Waddell in his progress to the west was joined by a detachment of the Anson militia and parts of the regiments of Mecklenburg and Tryon under their respective colonels, and some companies from Rowan. Colonel Frohock, who should have commanded the Rowan militia, was rather sarcastically excused from attending by Governor Tryon because of his negotiations with the Regulators. Accompanying Waddell's force also was a detachment of artillery under Colonel Robert Schaw of Cumberland. On May 5th General Waddell with nearly three hundred men crossed the Yadkin near Salisbury, and went into camp on Pott's Creek. There, finding himself confronted by a considerable number of insurgents, he halted and threw up entrenchments. On May 10th, at a council of war, under the advice of Colonel Ruth-erford and his other officers, it was resolved that it was too hazardous to engage the enemy, who were reported by Captain Alexander of Mecklenburg, to extend a quarter of a mile, seven or eight deep, with a large body of horsemen, extending one hundred and twenty yards, twelve or fourteen deep. Nor was this formidable force the only peril that threatened General Waddell, for it was apprehended that many of his own troops would not fight the Regulators, but rather, in case of a conflict, would join them. Under these adverse circumstances General Waddell prudently retreated across the Yadkin and took post near Salisbury, where he strongly fortified himself and remained until May 28th. In the meantime he had suffered a severe loss in the destruction of a supply of powder and other munitions of war that were being transported from Charleston for the use of the army. A small band of Regulators under the direction of Major James White and his brothers, William and John White, having blackened their faces, from which they became known as

C. R., VIII,
601, 701

General
Waddell

C. R., VIII,
608

C. R., VIII,
610

C. R., VIII,
621
The Black
Boys

1771

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the "Black Boys," came up with the wagons midway between Charlotte and Salisbury (near the site of the present town of Concord), and, having taken possession of them, destroyed the blankets and fired the ammunition, making a tremendous explosion of the powder. Such animosity toward government was now the general feeling that pervaded all that region, and General Waddell found himself hemmed in by forces too powerful to contend with.

C. R., VIII,
574

Governor Tryon was more fortunate. Leaving New Bern on April 23d, accompanied by the militia of Carteret, Craven and adjoining counties, and two swivel guns mounted on carriages, he moved toward Smithfield, where he was joined by detachments from New Hanover, Dobbs and Johnston. On May 4th he marched to Hunter's Lodge in Wake, where he remained four days awaiting other detachments and organizing his forces.

Supporters
of Tryon

On the 9th he encamped on the Enoe. Accompanying him were volunteer detachments of horse from Bute and other counties, and many of the leading gentlemen of the east, among them Robert Howe, Alexander Lillington, John Ashe, James Moore, Richard Caswell, Abner Nash, Willie Jones, John Harvey, Jr., and others distinguished in the military and civil annals of North Carolina; while in like manner with General Waddell were Moses Alexander, Thomas Polk, Samuel Spencer, Griffith Rutherford, William Lindsay, Adlai Osborn and many in later times honored for their devoted patriotism.

Feeling
of the
Regulators

In the meantime, while the forces of the government were being thus collected, the disaffected inhabitants at the west were all astir. The leaders gave information of the points where they were to assemble. Every highway and byway was filled with men hurrying to the front. Great crowds passed rapidly from the extreme west through the quiet settlement of Wachovia, and the men of Anson met those of Surry and from the foothills of the mountains at the rendezvous between the Haw and the Deep. So often had these men assembled, so often had they met and boldly made declaration of their purpose to right their wrongs, defying the power of government, that now with enthusiasm they responded to the call of their leaders, and hastened to assert

1771

their manhood. They were manly men, animated by a purpose to fearlessly resist oppression, and were not to be overawed by a show of power. Probably no one thought of subverting government; no one thought of wresting the province from the dominion of the British Empire; they only thought that they would stand up openly and with their own strong hand prevent the operation of laws passed by the Assembly, which, under the circumstance of their situation and lives, they deemed unjust and found oppressive. With little currency among them, lawful taxes bore hard and illegal taxes they would not pay; and, smarting under the exactions of greedy officials, which even the governor, the courts and the Assembly had found to be illegal, they were imbued with the determination to protect themselves from the power of a government whose authority sat lightly on them. Unawed by the reported march of the militia, they themselves would assemble and once more assert their own mastery. Many came unarmed, and but few probably realized that there was really impending a conflict involving life and death. They gathered in force between the Haw and the Deep, and learning of the governor's approach, went forth to meet him. Tryon, hearing of their advance, on May 11th marched from Hillsboro, crossed the Haw, and on the night of the 13th encamped on the Great Alamance. There he prepared for battle. On the 13th the governor had received an express from General Waddell informing him that he was surrounded by about two thousand Regulators and had been forced to retire; and he also learned that their rendezvous was to be at Hunter's plantation on Sandy Creek with the view of obstructing the junction of the two government detachments, and later came the disquieting intelligence that they were preparing to attack his camp. Instead, however, of an attack, about six o'clock in the evening the governor received, at the hands of James Hunter and Benjamin Merrill, a communication from them desiring to know if he would hear their petition for a redress of their grievances. He laid this letter before a council of war, and informed the Regulators that he would return an answer by twelve o'clock the next day. That night Captain John Walker and Lieutenant John Baptista Ashe,

C. R., VIII,
58aC. R., VIII,
64aS. R., XIX,
845

1771

who had been sent out to reconnoitre, were captured by the insurgents, tied to trees, severely whipped, and detained as prisoners. When the governor's messenger was conveying his answer to the camp of the Regulators they gave him such insults that he returned without delivering it. Early on the morning of the 16th, the two forces being about five miles apart, the governor moved forward, and about ten o'clock came within a half mile of the Regulator encampment, and there formed a line of battle. He then sent forward Captain Malcolm, one of his aides, and the sheriff of Orange with his letter, requiring them to lay down their arms, surrender up their outlawed leaders, and submit to the laws of the province. These terms were rejected with disdain, and gradually the two lines approached until the government forces occupied the ground which the van of the Regulators had first occupied, but from which it had fallen back to their main body. Some communications now passed for the exchange of Walker and Ashe for seven of the Regulators who had been captured by the militia, and the proposition was agreed to. The insurgents delayed and sent word that they would comply within an hour. The governor, suspecting that the delay was intended to enable the enemy to outflank him, determined to wait no longer.

C. R., VIII,
642

The battle begins, May 16, 1771

May 16, 1771

The governor sent word by his aide, Captain Philemon Hawkins, that he would immediately give the signal for action, and cautioned the Regulators to take care of themselves; that if they did not directly lay down their arms they would be fired on. "Fire and be d——d!" was the answer. The governor thereupon gave the order, which, not being immediately obeyed, rising in his stirrups and turning to his men, he called out: "Fire! fire on them or on me!" Accordingly, the artillery began the fire, which was followed by a discharge from the whole first line, and the action almost instantly became general.

Martin,
Hist. North
Carolina,
II, 232C. R., VIII,
647, 648

Of the militia there were about 1100. The number of the Regulators has been variously estimated at between 2000 and 4000; but a considerable portion of them were unarmed, and probably but few expected to engage in a battle. They

were not marshalled in organized companies; had no trained captains to command; and were a concourse of resolute citizens rather than an army in battle array. Their chief commander was James Hunter.

At the first fire many left the field, among them being Hermon Husband. After the conflict had lasted half an hour the Regulators occupied a piece of woods and fought from behind the trees, as in Indian warfare. To dislodge them Tryon advanced his first line and drove them from cover, pursuing them half a mile beyond their camp. In one account of the battle preserved in the Moravian records, it is said that "many had taken refuge in the woods, whereupon the governor ordered the woods to be set afire, and in consequence some of the wounded were 'roasted alive.'" It is to be observed, however, that in the middle of May a woods fire progresses but slowly, even if it burns at all.

In the earlier stages of the battle, Robert Thompson, a Regulator, who had been taken prisoner, defying the power of his captors, undertook to make his escape, and it is said that Governor Tryon shot him down with his own hand. Thompson had been a strenuous agitator, and doubtless was a bold, determined man. For slaying him Governor Tryon was criticised. If no other means to prevent escape was at the moment available, any soldier would have been justified in taking a prisoner's life, otherwise not. While in the heat of battle one's actions are not to be too nicely weighed, life is never to be taken unnecessarily.

The loss of the militia was reported as nine killed and sixty-one wounded. A detachment from Beaufort County under Captain John Patten, being a part of the regiment commanded by Colonel William Thompson, of Carteret, suffered the greatest proportionate loss, fifteen killed and wounded out of thirty. Those of the insurgents who participated in the action stood up manfully. They were not dismayed by the artillery, and indeed held their ground at such short range that they silenced the artillery, requiring particular efforts to dislodge them by advancing riflemen for that purpose. Their loss was, according to one account, nine killed and thirty missing, and according to another upwards of twenty were killed. Their conduct under fire was as

1771

S. R., XIX,
746The woods
firedC. R., VIII,
229
Thompson
slain

The losses

C. R., VIII,
634C. R., VIII,
285

1771

spirited as it was bold, and for two hours they protracted the unequal conflict with the trained militia despite the severe losses they suffered. The insurgents being driven from the field, the militia advanced some little distance, but finding the enemy dispersed, withdrew to their original encampment. Thus closed that fateful and unhappy day. The wounded on both sides were humanely cared for, and the next evening the dead were interred, and there were prayers and thanksgivings for the victory.

Few hanged
May 17th

The ceremonies of the day were concluded by the hanging of James Few, a prisoner—a proceeding that has attached well-merited odium to the name of Governor Tryon.

Caruthers,
Liberator
Coldwell,
158

Haywood,
Liberator
Tryon, 133

Of Few it has been said "That he was of a fanatical turn of mind, and believed himself raised up by the hand of God to liberate his country." "That he was sent by Heaven to relieve the world from oppression, and that he was to begin in North Carolina." An account of his execution given in the *Community Diary of the Moravians* a week later says:

Clewell,
Hist. of
Wachovia

"A certain young man, a fine young fellow, had been captured, and when given the alternative of taking the oath or being hanged he chose the latter. The governor wished to spare his life, and twice urged him to submit. But the young man refused. The messenger described how, with the rope around his neck, he was urged to yield but refused, and the governor turned aside with tears in his eyes as the young man was swung into eternity."

C. R., VIII,
534

Few had been indicted for felony at the special court held at New Bern on March 11, 1771. He was one of those who refused to surrender themselves within the time limited by the riot act. Under that act he was deemed guilty of the offence charged as if he had been convicted thereof by due course of law, and it was made lawful for any one to take his life, but this outlawry was dependent on the required publications of the proclamation, a fact not ascertained as to Few. But of this Governor Tryon seems not to have been advised. He regarded Few, Hunter, Husband as outlaws. Still, the contingency had not then arisen when Few could have been lawfully slain as an outlaw, nor was Governor Tryon justified in dealing so summarily with a prisoner. He sought to extenuate his needless act by saying: "This gave great

C. R., VIII,
651

satisfaction to the men, and at this time it was a necessary sacrifice to appease the murmurings of the troops, who were importunate that public justice should be immediately executed against some of the outlaws that were taken in the action, and in opposing of whom they had braved so many dangers and suffered such loss of lives and blood, and without which satisfaction some refused to march forward while others declared they would give no quarter for the future." Such might well have been the feelings of some of the eastern militia, but it was not the part of a commanding officer to be swerved from his own sense of duty by the intemperate passion of his soldiers. He was there to assert the majesty of the law and to maintain the authority of established government—not to blazon the power of successful arms by a needless act of butchery.

1774

Tryon's
apologyS. R., XIX,
245

Subsequent movements

The next day the wounded were sent to the plantation of Michael Holt with a surgeon and medicines, and the main army proceeded to Lewis's mill, three miles beyond the field of battle, where a detachment under Colonel Ashe that had been advanced was surrounded by about three hundred of the Regulators. Immediately after the battle a proclamation had been issued granting pardon to all who should come into camp, surrender up their arms, take an oath of allegiance to the king and an oath of obligation to pay their taxes, and to support and defend the laws of the land.* Exceptions, however, were made of the outlaws and prisoners taken and some fourteen others. Many now accepted these terms and submitted. The army the next day marched to James Hunter's and destroyed his dwelling and outhouse, and then took possession of Hermon Husband's plantation, finding there "a large parcel of treasonable papers;" and, the inhabitants continuing to come in, submitting themselves to government, the proclamation of pardon was renewed and the time extended; but the exceptions now embraced the

C. R., VIII,
649Pardons and
exceptions

*Governor Martin spoke of this "oath as one of allegiance, etc., etc." Attiens described it as "your new coined oath to be obedient to the laws of the province, and to pay the public taxes." To that description the governor himself added, "to support and defend the laws of the land," as in the text.

1771

"Black Boys" and some others at first omitted, among them being Thomas Person. The outlaws named were Husband, Hunter, Howell and Butler, and on their heads a price was set. Heavy rains, which had begun on May 20th and continued until the 28th, added much to the discomfort of the men, many of whom were seized with pleurisies.

C. R., VIII,
651

The army remained a week in Sandy Creek, then passed to Deep River, and on June 1st was in the Jersey settlement. On June 4th, on Reedy Creek, General Waddell's forces joined the main army, and they marched to Wachovia, where they remained several days, and at Salem on June 6th they celebrated the King's Birthday and the victory of the 16th. During this march the houses and plantations of those who were outlawed were laid waste and destroyed, and their owners fled from the province.

The insurgents having been quieted on the Deep and the Haw, and information being received that they were rising to the south and west, General Waddell was detached on June 8th with some five hundred men and artillery to move into that section and suppress them; and on the same day Governor Tryon began his return movement.

S. R., XIX,
852C. R., VIII,
712

The army reached Hillsboro on the 14th, where the cattle and horses were turned on the plantation of William Few, the father of James Few, who was said to have been "very active in promoting the disturbance of the country." Having taken some prisoners on May 13th, Governor Tryon ordered that a special term of court under the riot act should be opened at Hillsboro on the 30th of that month, but the governor had kept the prisoners along with the army with the view of parading them before the country, and the court had been kept open awaiting their arrival for trial.

The trials

The trials began on June 14th and lasted until the 18th, when twelve prisoners were sentenced to death on the charge of high treason. Six of these were immediately executed. The record of the court has not been preserved. Four of those executed were Benjamin Merrill, Robert Matear, Captain Messer and James Pugh. The names of two are unknown. Six were reprieved: Forrester Mercer, James Stew-

The
victims

art, James Emerson, Herman Cox, William Brown and James Copeland, and later they were pardoned by the king. The melancholy spectacle of the execution was accompanied by a military parade,* and its terrors were augmented by the impressiveness of the scene. The governor attended with the entire army, and caused all of the prisoners to be brought out to witness it.

The people, utterly subdued, their leaders fled or taken, had continued to come in and ask for pardon, so that by June 19th more than three thousand had submitted to the government and taken the oath to pay their taxes and obey the laws which Governor Tryon had exacted of them. When, later, General Waddell had made his report, giving the result of his excursion into the southwestern part of the province, the entire number who had taken the oath aggregated 6409, and about 800 guns had been turned into the government by the malcontents. Apparently then the western counties were disarmed and thoroughly subjugated. But the people were not pacified, and many moved from the province, some passing the mountains and finding homes in the forests of the Holstein settlement.

The people submit

C. R., IX, 78

Governor Tryon, having on June 13th received information that he had been appointed governor of New York, and having instructions to repair without loss of time to that province, communicated to the army that he would march to the southward immediately after the executions, and that he would leave the army under the command of Colonel Ashe, he himself hastening to New Bern. On June 30th he embarked for New York, where he arrived on July 7th and assumed the administration. He carried with him the esteem and good-will of the leading men of the eastern part of the province, who commended his bravery and courage, and approved his administration in the difficult circumstances that attended it.

Tryon departs from the province
C. R., VIII, 675

June, 1771
C. R., IX
9, 142

*A gruesome memorial of this event is preserved in State Records, XXII, 465:

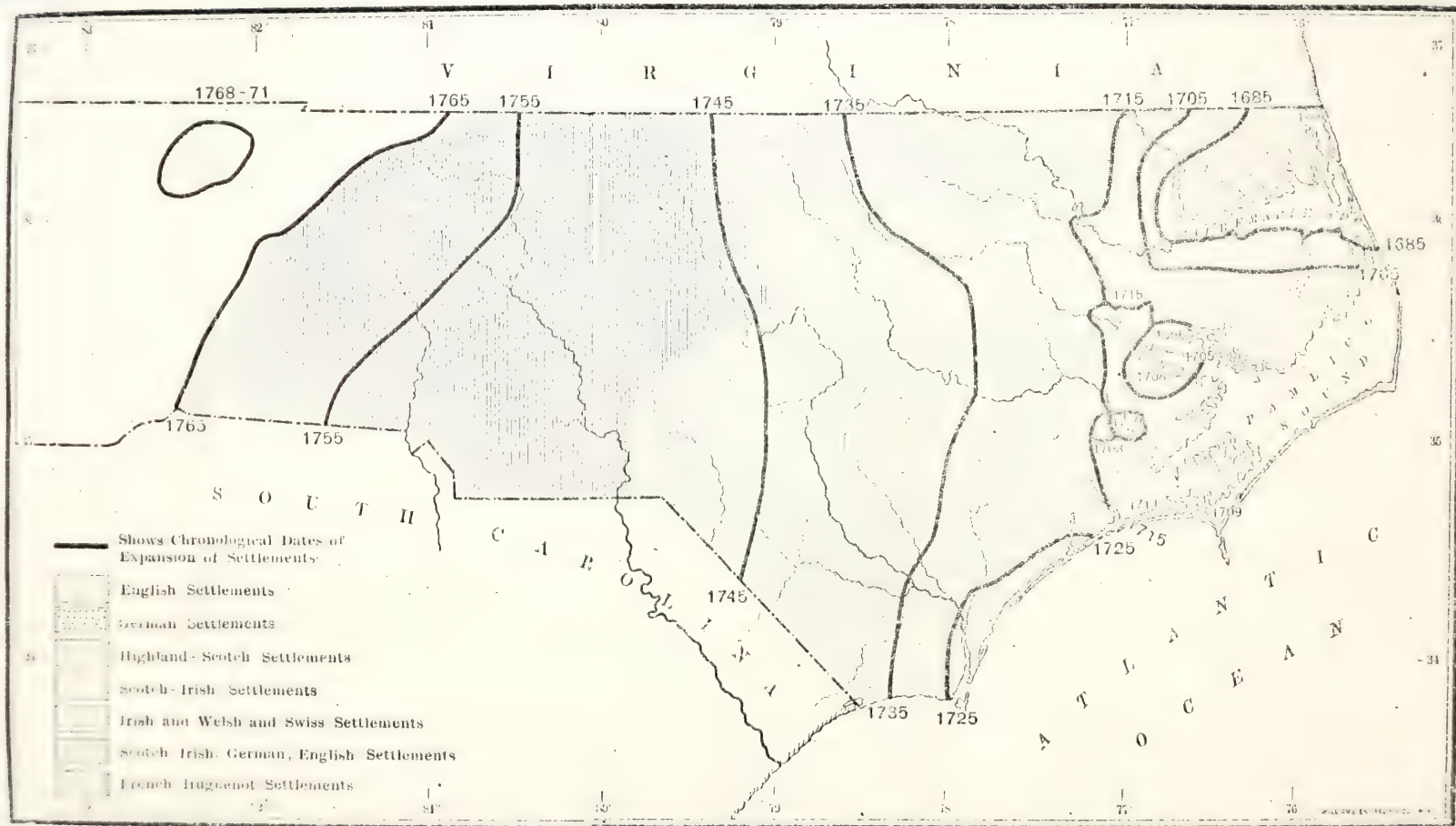
"The Public to Thomas Donaldson, Dr.—19th June, 1771. To hanging six men at Hillsboro Court of Oyer, etc., five pounds each—thirty pounds. P'r Thomas Donaldson."

1771

As the disturbances incident to the Regulation movement were a marked feature of affairs during that period, so the efforts of the government to suppress them were also unusual and remarkable. The riot act, passed by the Assembly, of which Caswell was speaker, and Harnett, Johnston, Hewes, Howe, the Moores and many others who led in the revolutionary movement three years later, were members, and which received the approval of the governor, was such a stringent measure as to challenge criticism. That clause of it which required indicted persons, after proclamation, to surrender themselves within sixty days and stand trial on pain of being deemed guilty and of being held outlaws subject to being killed by any one, was considered by the Crown officers as "irreconcilable to the principles of the constitution," "full of danger in its operation" and "unfit for any part of the British Empire;" although they mentioned that "the circumstances of the province may excuse inserting such clause in this act." It was certainly a fierce and bloody expedient, resorted to because the persons accused could not be arrested. Other than that, the act received the approval of the Crown, and inasmuch as its operation was limited to a single year, it was allowed to stand until its expiration. James Few was the only person who suffered death under it, as an outlaw, if indeed the governor justified even his execution by that sanction.

The army, after Tryon's departure from Hillsboro, proceeded to Colonel Bryan's in Johnston County and there the detachments separated, marching to their respective counties, where they were disbanded. The cost of the expedition, about £60,000, had in part been met by notes issued by Treasurer Ashe, which he announced would be received by him in payment of taxes. These notes circulated as currency, and in some measure gave relief to the people in the scarcity of a circulating medium.

The riot
act in
England
C. R., IX,
235, 206
S. R., XI,
240



MAP OF NORTH CAROLINA: SHOWING EVOLUTION OF SETTLEMENTS AND
LOCATION OF RIVERS DOWN TO 1776

CHAPTER XXIII

SOCIAL LIFE AT THE OPENING OF THE REVOLUTION

In the homes of the people.—Social conditions.—The state church.—The Protestant dissenters.—The Baptist churches.—Pioneers of Methodism.—Education and schools.—Taxation.—The lawyers.—The Quakers and the militia.—Servants and slaves.

In the homes of the people

McRee, in his "Life of Iredell," has given an admirable portrayal of two communities in the province about the time of Martin's administration. Of the region of which Edenton was the centre, he says :

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McRee's
Iredell, I,
31-34

It was of such remarkable fertility that it might well have been styled the granary of the province; it was also the place of concentration and market-town for the opulent planters of a large district of country. . . . The climate was humid and unhealthy, but soft and luxurious. Game and fish were abundant, and cattle and sheep and swine thrived and multiplied upon the spontaneous fruits of the earth. If there was little of the parade and pomp of older communities, if many of the appliances of luxury were wanting, ease and abundance were the reward of but a slight degree of frugality and industry. No palatial dwellings existed—tapestry and plate were wanting; but the homes of the planters were comfortable and ample for all the purposes of hospitality, while their tables groaned beneath dainties beyond the reach of wealth on the other side of the Atlantic. He who supposes them an untutored people is grossly deceived. The letters that will appear in the course of the narrative will demonstrate that they were equal in cultivation, ability, and patriotism to any of their contemporaries. The men were bold, frank, generous, and intelligent; the females, tender and kind and polite. The strength of the former was developed by manly labors. The taste of the latter was improved and their imaginations exalted by the varied forms of beauty that surrounded them. . . . In 1769 the town of Edenton was the court end of the province. Within its limits and in its immediate vicinity there was, in proportion to its population, a

1771
Social
conditions

greater number of men eminent for ability, virtue, and erudition than in any other part of America. Colonel Richard Buncombe was a native of St. Kitts. He was educated in England and possessed a large fortune. Of "Lawyer Pearson, an English gentleman," little is known save that he married the mother of Sir Nathaniel Dukinfield, and thus became master of large estates. Colonel John Dawson (a lawyer who married the daughter of Governor Gabriel Johnston) resided at Eden House, noted for its splendid hospitality and the refined society generally assembled there. Dr. Cathcart was a gentleman of extraordinarily fine sense and great reading. His two daughters "were possessed of the three greatest motives to be courted: beauty, wit and prudence, and money; great fortunes, and toasted in most parts of the province."

And so McRee continues with brief accounts of Joseph Hewes, Thomas Barker, Thomas Jones, Jasper Carlton, Stephen Cabarrus, Robert Smith, Charles Johnson, William Cumming, Sir Nathaniel Dukinfield, the Harveys and the Johnstons, who "possessed talents and attainments that, when combined, not only enabled them to determine the politics of their district, but gave them a potent influence in the province."

Of the lower Cape Fear he likewise says:

Mr. Hooper was a native of Boston and a graduate of Cambridge, Mass. After studying law with James Otis, he became a citizen of Wilmington. That town and its vicinity was noted for its unbounded hospitality and the elegance of its society. Men of rare talents, fortune, and attainment united to render it the home of politeness and ease and enjoyment. Though the footprint of the Indian had as yet scarcely been effaced, the higher civilization of the Old World had been transplanted there and had taken vigorous root. There were Colonel John Ashe, the great popular leader, whose address was consummate, and whose quickness of apprehension seemed intuition, the very Rupert of debate; Samuel Ashe, of stalwart frame, endowed with practical good sense and a profound knowledge of human nature; Harnett, "who could boast a genius for music and taste for letters," the representative man of the Cape Fear; Dr. John Eustace, "who united wit, and genius, and learning, and science"; Colonel Thomas Lloyd, "gifted with talents and adorned with classical literature"; Howe, "whose imagination fascinated, whose repartee overpowered, and whose conversation was enlivened by strains of exquisite raillery"; Dr. John Fergus, of stately presence, with velvet coat, cocked hat, and gold-headed cane, a graduate

McRee's
Iredell, I,
194, 195

of Edinburgh and an excellent Latin and Greek scholar; William Pennington, afterward master of the ceremonies at Bath, "an elegant writer, admired for his wit and his highly polished urbanity"; Judge Maurice Moore, of versatile talents, and possessed of extensive information; as a wit always prompt in reply; as an orator, always daring the mercy of chance; MacLaine, irascible but intellectual, who trod the paths of honor nearly *pari passu* with Iredell and Hooper and Johnston, and "whose criticisms on Shakespeare would, if they were published, give him fame and rank in the republic of letters."

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And he continues to portray the social characteristics of the Hills, Lillingtons, DeRos, etc. Moores, and others who then adorned the Cape Fear region.

New Bern, as well, was a centre where refinement and elegance abounded. It was the residence of the governor; an emporium of trade, with wealthy merchants, enterprising citizens and cultivated society. Originally settled by the Huguenots, Palatines, and Swiss, by industrious Germans as well as by Welsh and Englishmen, the region of which it was the social metropolis was inhabited by a population notable for their thrift, politeness and fine characteristics. There the first academy had been established and maintained; there the first printing press was erected, and there the first newspaper, the *North Carolina Gazette*, was published—in December, 1755—followed, at length, by another at Wilmington, in September, 1764.

Weeks,
Press of
North
Carolina in
Eighteenth
Century,
16, 29, 58

Among the earliest publications of Davis's press, other than provincial laws, was a sermon preached before the General Assembly by Rev. James Reid, in 1762, "Recommending the Establishing Public Schools for the Education of Youth," printed by the Assembly, that "the same might be dispersed in the several counties within this province."

Halifax had also become a nucleus of elegant society, with rich planters and cultured citizens; while at Hillsboro, where the governors spent their summers, the simplicity of backwoods life was giving place to the refining influences of advanced social conditions. In all the counties were men like Willie and Allen Jones, the Kenans, Dicksons, Battles, Holmes, Hawkins, Haywoods, Harts, Alstons, Rowans, Lloyds, Osborns, Polks—too numerous to specify, men of education and culture, many of whom were native and "to the

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manor born," while others, like Caswell, Hooper, Hewes, Avery, the Sumners, Martins and McDowells, had but recently come from other communities, well educated, energetic, enterprising, vigorous in mind and in body.

At the west Along the Virginia border the people were chiefly of colonial descent; but on the upper waters of the Cape Fear were congregated thousands of Highlanders, many of whom were well educated. At Wachovia the Moravians had been prosperous, had erected mills and had grown in importance; while the Scotch-Irish, who occupied the fertile regions watered by the Catawba and tributaries of the Yadkin, were interspersed with Germans, of whom there were some three thousand families, likewise accompanied by their pastors, men of learning, who taught the young while ministering to their congregations.

Immigrants And in their new homes the Scotch, Scotch-Irish and the Germans preserved their former manners and customs and their racial characteristics, and these have in some measure been perpetuated so that after the lapse of a century and a half their respective settlements can still be distinguished. Similarly a settlement of Quakers, coming from Nantucket, who located at New Garden, has preserved its peculiar characteristics, while the Jersey settlement on the Yadkin near Salisbury, so called because made by emigrants from New Jersey, has retained its original appellation.

The marts of trade Facilities of communication were scant. This was a particular hardship with the settlers at the far west who, coming from the north, located at a considerable distance beyond the frontier settlements extending from the coast. There was a wide breadth of forest intervening between the inhabitants of Sandy Creek, Wachovia, Salisbury and the Catawba, and the marts of trade on the lower Cape Fear. Easier roads led to the towns of Virginia and of South Carolina, and those became the markets of the western counties. There was no specie in the province, while the amount of paper currency became entirely insufficient as the population was rapidly augmented.

At the east both saw-mills and grist-mills had long been established; at the west the new settlers quickly began to

erect them on the streams where they located; and these became important points in their social and business life.

Felling the forests, clearing the fields, building houses, opening roads, constructing mills—in a word, making their homes habitable in those secluded regions—called forth the best exertions of those new settlers; and fortunate was it for them that their winters were mild, the summers temperate, while their fields yielded rich harvests, and the bright sunshine brought buoyant hope, health and happiness. Many of the families, observed Governor Dobbs, have ten children in them, and experience has long since proved that the natural increment of population in that favored region is nowhere exceeded in the world.*

The state church

It was contemplated in the original grant to the Lords Proprietors that there might be a state church and presumably that it would be conformable to the usage in England. The first effort in that direction was made in 1701, when each precinct was declared to be a parish, for which a vestry was appointed, and the vestry was empowered to employ ministers and to lay a tax of not more than five shillings on the poll for parish purposes, which included looking after the poor as well as providing a place of worship. Ten years later, when Governor Hyde met his first assembly, an act of Parliament having been passed declaring the province a

C. R., I,
792, 790

*In 1810 the editor of the *Raleigh Star* received many communications from intelligent men residing in every part of the State, throwing light on the commencement and progress of settlements in North Carolina. This mass of manuscripts was subsequently deposited in the library at Chapel Hill, but now cannot be found. Mr. Caruthers, who examined it, said: "From it we learn that Edgecomb began to be settled in 1726 by people from Virginia, who came there for the sake of living at their ease, as the climate was mild, the range good, and game in abundance; Wayne in 1735, but made little progress until 1750; Caswell in 1750, but had not more than ten families until 1755, when the Leas, Graves, Kimbros, Pattersons and others came from Orange and Culpepper counties in Virginia; Rockingham in 1750, by hunters, who were soon followed by a more substantial population; and Guilford about the same time, as appears from the deeds of land obtained by the Nottingham company. That company, by agents sent out for the purpose, purchased 33 surveys, or 21,120 acres on the waters of N. 5th Buffalo and Reedy Fork; and one of their deeds, which is now before me, is dated December 3, 1753." (Caruthers' *Life of Caldwell*, 93.)

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member of the Crown of England, the Assembly enacted that the laws of England "are the laws of this government so far as they are compatible with our way of living"; and that all the statute laws of England made for the establishment of the Church and for the indulgence to Protestant dissenters were in force in the province. This enactment firmly established the Church of England as the state church, and put in force the Act of Toleration, which remitted all penalties for non-conformity in the case of Protestant dissenters who did not deny the doctrine of the Trinity.

S.R., XXIII,
137

In 1729 apparently each parish was invested with the right to elect its own vestrymen, who still had the privilege of employing their ministers, being members of the established church. Up to that time there had been in the province no other ordained ministers of any denomination; but about that time Paul Palmer and Joseph Parker organized Baptist churches in the Albemarle section. In 1741 the vestry law was amended requiring vestrymen to declare that they "would not oppose the liturgy of the Church of England." They still had the right to lay a tax on the poll for parish purposes, and by a two-thirds vote they could withdraw the stipend agreed to be paid to any minister. At that period there were only four ministers of the established church in the province, perhaps an equal number of Baptist ministers and none of the Presbyterian faith. There was but little room for clashing among the ministers. Later some differences arose in regard to the right of Presbyterian ministers to perform the marriage service. Originally in 1666 certain civil officers were empowered to perform the marriage ceremony, and "the persons violating this marriage shall be punished as if they had been married by a minister according to the rites . . . of England." The Quakers married according to their own rites. In 1715 it was again enacted that magistrates might perform the marriage service in parishes where no minister was resident; but in all cases a license or the publication of banns was required. The law remained unchanged until 1741, when it was again enacted that no minister or justice should celebrate the rite of marriage without license or banns; and that the parish minister, if one, should be entitled to the fee unless he neglected or refused to per-

The rite of
marriageS.R., XXIII,
10, 158

form the service. There were still no Presbyterian ministers settled in the province and but very few Baptist ministers, and it was nowhere the practice for Baptist ministers at that time to perform the marriage service. About 1755 Hugh McAden and James Campbell established themselves respectively in Duplin and Cumberland counties, where they organized Presbyterian congregations. These were regularly ordained ministers of that faith. A little later Rev. Henry Pattillo, James Criswell, David Caldwell, Joseph Alexander and Hezekiah Balch had charges of the same communion further in the interior. In their respective settlements there were but few adherents of the Church of England. Now, however, some clashing because of religious differences became observable.

Originally introduced in 1701 in an effort to secure some religious services for the colony, at a later period the state church was fostered by influences emanating from Great Britain. It was a survival of former usages, and was not then so inharmonious with the times as it subsequently became. In every European country religion was the care of the state; and in England the established church was at once the mainstay of the Crown and the support of the ruling dynasty, while it had long been the bulwark protecting Protestantism from the domination of Catholicism. When the province became attached to the Crown, the king being at the head of affairs, ecclesiastical as well as civil, and all provincial laws requiring his concurrence, his officers sought to strengthen and promote the state church, and such was the tenor of the instructions given to the governors. Particular effort was to be made to that end—even schoolmasters being required to be members of the established church. Such was one of the results of the domination of the Crown, of the close connection of the province with the mother country. North Carolina was to be fashioned after England—a consequence not so intolerable, for all the inhabitants were British subjects, reared under existing institutions, and regarding their king as the fountain of all honor and justice.

The freeholders of the east dominated the Assembly, and they were largely in sympathy with the Church of England.

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S. R., XXIII.
679-823New Bern
and Edenton
academies

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The parish
taxesWeeks,
Church and
State in
North
Carolina, 51

Legislation therefore conformed to the wishes of the Crown. Yet it was by no means onerous. But while the burdens imposed were not heavy, nevertheless the principle of taxation for church purposes was offensive to many of the dissenting inhabitants. How slight the tax was may be gathered from the report of Quaker sufferings made annually "to the Meeting for Sufferings" in London: "in 1756, chiefly for the maintenance of an hireling priest," £10 14s. 3d.; two years later, £14 17s. 6d.; 1759, £85; 1760, £23; 1761, no sufferings; nor in 1762, nor 1765. In 1768 fines were reported amounting to £5 4s., "being for priests' wages and repairing their houses, called churches." In 1772, 30s., church rates; none in 1773 nor 1774.

The amount of tithes collected here, says Dr. Weeks, is ridiculously small; but in this small sum was wrapped the whole principle of liberty of conscience.

At the west the Presbyterians concerned themselves but little with the vestry laws. They either did not elect vestrymen, or chose those who carried into operation only the provisions relating to the poor of the parish, not providing any stipend for "an orthodox minister." Yet certainly some of the incidents of the state church bore hard on the followers of Knox, as on the Baptists.

Since the assemblymen, North Carolinians, enacted the laws, there was no infringement of any liberty of worship; there was no persecution. "There was no opportunity for it under the existing laws, and the dissenters were aggressive and powerful. The manuscript records of the Friends show perfectly conclusively that while they suffered distraint for tithes and military levies, they were not imprisoned. They suffered no bodily violence." "There was more religious liberty at the beginning than at the close of the colonial life of North Carolina, but there is no well-authenticated case of bodily persecution in our annals, unless we count the imprisonment of the Quakers who refused to bear arms in 1680 as such, and this seems to have been more political than religious in its character."

Weeks,
Church and
State in
North
Carolina, 48

Yet the effort to maintain the state church system in a province where so many were indisposed to support it was a source of irritation, without any compensating advantages,

while fundamentally erroneous in principle. The established church as a state institution was out of place in America, where the people, bursting the bonds of the past, had emerged into a new life, with greater freedom of thought and action nurtured by their close contact with nature; and one of the chief objects in view, strengthening the Crown, was defeated by its rendering the Crown antagonistic to the dissenters in that relation of life which was dearest to the people, their church affiliations. In 1762 provision was made "for an orthodox clergy," by which the salary of clergymen was fixed at £133, and, as formerly, a fee for marrying was allowed, although performed by another. The vestry still had the right to select the clergyman, who, however, was required to have a certificate from the bishop of London that he had been ordained in the Church of England. In case of bad conduct he could be removed by the governor and council. This last provision was objectionable to the authorities in England, and for that reason the act was not allowed. Three years later a similar act was passed, the freeholders in every parish being required to elect twelve vestrymen, and if they elected a dissenter who refused to qualify he was fined. The vestry could levy a tax of ten shillings on the poll for church purposes, for encouraging schools, maintaining the poor, etc. To meet the objection raised to the former act it was now provided that while clergymen might be suspended by the governor for misconduct, the suspension should be only until the bishop of London passed on the cause.* The churches of that communion in all the colonies were under the supervision of the bishop of London.

Governor Tryon, with great connections, was very anxious apparently to commend himself to the authorities at home, and yet he declared that he was a zealous advocate of the principles of toleration. It seems that the Presbyterian ministers in the settlements at the west had performed the marriage ceremony without either license or publication of banns, contrary to the law in England, and in the province since 1711. When the act of 1762 was on its passage, the council proposed an amendment, "that no dissenting minister of any

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The Vestry
ActS. R.,
XXIII, 956C. R., VI,
381

*This act was re-enacted in 1768, and again in 1774 for ten years.

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The
Presbyterian
ministers

denomination whatever shall presume on any pretence to marry any persons under the penalty of forfeiting £50 proclamation money for every such offence." The house rejected that proposed amendment, and the act was passed without such a provision. This action was doubtless considered as impliedly confirming the right of the Presbyterian ministers to perform the marriage service, the Assembly having pointedly declined to concur in a provision declaring it unlawful. Still any marriage without license or banns was irregular under the existing law. One of the first acts passed in Governor Tryon's time, reciting this irregularity, made valid all such marriages and made it lawful for Presbyterian ministers, regularly called to any congregation, to celebrate the rite of marriage in their usual and accustomed manner, as any lawful magistrate might do, there having been issued a license for the same. The fee for such service was, however, reserved to the minister of the Church of England in that parish, if one, unless he refused to do the service. This act did not allow Presbyterian ministers to marry by the publication of banns, and therefore it was not agreeable to the Presbyterian communities, and they made bitter complaints. To remedy this, at the session of December, 1770, an act was passed allowing these ministers to perform the service with publication. Governor Tryon was eager to please the Presbyterians, but Lord Dartmouth caused the act to be disallowed, saying that he could not approve of the dissenters in North Carolina having any greater privileges than allowed to them in England, and that he was not at liberty to admit a different mode of marriage in the colonies than required by the act of Parliament. Such was one of the effects of colonial dependence on the mother country—a Presbyterian minister could perform the marriage ceremony only as allowed by act of Parliament.

S. R.,
XXIII, 672S. R.,
XXIII, 826
C. R., VIII,
527; IX, 682The
Episcopal
clergy

Under Tryon's active management the clergy of the Church of England in the province increased from five to eighteen. These were distributed chiefly throughout the eastern and northern counties. Some were supported solely by the stipend received from the Society for the Propagation of the Gospel and the voluntary offerings of the people; others, being established in parishes, received the allowance

made for them by law. There was, however, but little friction between them and the Presbyterians, who were settled chiefly at the west and dominated that entire section. In 1766, Rev. Andrew Morton, being sent from England as a missionary to minister in Mecklenburg County, ascertained when he reached Brunswick that that county was settled by Presbyterians, and did not go there. In Rowan there were some of the established church who asked for a minister, and about 1770 Rev. Theodorus Drage was assigned to that parish and undertook to have a vestry elected; but the Presbyterian element was too strong for him to contend with, and after a year or two he gave up his charge.

From an early date there had been adherents of the Baptist faith in the province. When in 1711 religious affairs became governed by the laws prevailing in England, the Toleration Act came into force. By this all penalties were remitted for non-conformity in the case of Protestant dissenters who did not deny the doctrine of the Trinity upon their taking the oaths of allegiance and the test oath, declaring that "I do believe that there is not any transubstantiation in the sacrament of the Lord's Supper or in the elements of bread and wine at or after the consecration thereof by any person whatsoever." It required, however, that their places of worship should be registered in the county courts, and that the doors of their place of meeting should be open during the time of worship;* and their ministers were to subscribe the thirty-nine articles of religion, except those relating to ecclesiastical government and infant baptism. At the time of the adoption of this act of toleration, on the accession of William and Mary to the throne and the expulsion of the Stuart kings, it was understood that it relieved from penalties all except alone the Roman Catholics and Unitarians. Every other denomination was content with it. In North Carolina, under that act, the Baptists as well as the Presbyterians were required to register their churches, although probably the requirement was not always observed. In 1770 the Presbyterians of Rowan registered two of their churches.

The first churches organized by the Baptists were Shiloh and Meherrin; the next, in 1742, Kehukee; Sandy Run, 1750;

*These requirements were aimed at the Catholics.

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The test
oathThe
Toleration
ActC. R., VIII,
227, 507The
Baptists

1771 Fishing Creek, 1755; also Reedy Creek, Sandy Creek in Randolph and Grassy Creek in Granville. After that others followed fast, so that by 1771 there were twenty-two distinct congregations, besides the branches springing from those parent churches which they supplied. At the September term of the county court of Edgecombe, "Jonathan Thomas, a non-conforming preacher, produced an ordination writing signed by George Graham and John Moore, the pastors of the Baptists, ordaining him to go forth and preach the Gospel according to the tenets of that church; and he therefore took the oaths of allegiance and subscribed the test appointed for that purpose." A similar proceeding was had at the June session of 1740 of the county court of Craven, and the applicants were given liberty to build a house of worship. It seems, however, that some of them were accused of having violated the Toleration Act and they were bound over to appear at the next term of the general court.*

The
Methodists

The present Methodist organization was not then in existence. Rev. Mr. Whitefield passed through the province in 1739 and again in 1764, and preached at Wilmington, New Bern and perhaps elsewhere, but still regarded himself as a minister of the Church of England. It was not till 1772 that Joseph Pilmoor, the first Methodist minister in North Carolina, began his ministrations. The year following the first society was formed by Robert Williams; the first circuit was formed in 1776. The next year John King, John Dickens, LeRoy Cole and Edward Pride were appointed to the North Carolina Circuit, and at the close of the year they reported nine hundred and thirty members. King resided near Louisburg, and later ten miles west of Raleigh. The first conference was held near Louisburg on April 20th, 1785, at which Bishops Asbury and Coke were present.

Education and schools

Educational facilities in Albemarle were from the beginning greatly lacking. If there were schools and schoolmasters in the earlier years no mention was made of them; yet as many of the inhabitants, born and bred in Albemarle, evi-

*A verbatim copy of the minutes of that court is to be found in Vass's "History of the New Bern Presbyterian Church."

dently received some training in their youth, there must have been teachers among them. When the ministers of the established church began to come in, about the opening of the eighteenth century, there are traces of some local schools. Charles Griffin was a school-teacher in Pasquotank, as well as lay reader. There was a school taught by Mr. Mashburn at Sarum, thought to be near Bandon, and about three miles from Ballard's Bridge. Perhaps there were others employed as lay readers who also taught school.

When the province passed under the immediate control of the king and its institutions were in a measure conformed to those of the mother country, Governor Burrington was instructed in 1731 that no schoolmaster should be permitted to come from England to North Carolina to keep school without the license of the bishop of London; and "that no other person now there or that shall come from other parts shall be admitted to keep school in North Carolina without your license first obtained."* This instruction was in aid of the general purpose to promote the established church, to train children in that faith, and strengthen the hold of the Crown on the people. Its natural effect must have been to discourage educational work in the province. We hear of no more schools except one taught about 1745 at Brunswick and the act of 1745 to build a school-house at Edenton. In 1749 John Starkey, himself it is said an ordained Episcopal clergyman, introduced a bill in the legislature to establish a public school, but the act did not become operative. Later, in Governor Dobbs's time, it was proposed to have a free school in every county; but that effort also miscarried.

School-
masters
to be licensed

1755
C. R., V,
1974

Notwithstanding the instructions given to Burrington were repeated to all later governors, it appears that the Scotch-Irish and other settlers in the interior had their local schools soon after coming to the province, as Governor Dobbs indicated when on a visit to his lands in Rowan and

*In 1714, an act known as the Schism Act was passed by Parliament forbidding any person to teach school who was not a member of the established church; this act was, however, repealed in 1719, under the administration of the Whig party, which continued for nearly sixty years. Apparently, the governor could license a teacher who was not of the established church, if so disposed.

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Foote's
Sketches of
North
Carolina,
175Fumple,
Hist. of
Rowan
County, 83

Mecklenburg counties. They were probably not licensed by him. Although Wilmington had no organized Presbyterian church, Rev. James Tate, a Presbyterian minister, came from Ireland about 1760 and opened a classical school there, the first ever taught in that place. In the same year Crowfield Academy was established at Bellemont, near the site of Davidson College.

S. R.,
XXIII, 673

In 1764 it was proposed to erect a schoolhouse on some church property in New Bern. Thomas Tomlinson, on the first of January of that year, having opened a school there. The school building was probably completed in 1766, when an act of the Assembly incorporated the trustees, provided a tax on rum to raise a salary of £20 per annum, and required the admittance of ten poor pupils, tuition free; and the license of the governor was required. In 1770 an act was passed reciting that the inhabitants of Edenton had erected a convenient schoolhouse. Trustees were appointed to conduct the school, and the master, as in the case of the school at New Bern, was required to be a member of the established church, recommended by a majority of the trustees and licensed by the governor. These two academies at New Bern and Edenton afforded educational advantages that were of great benefit, extending through many years, to the people of the eastern counties.

S. R.,
XXIII, 823

In 1767 Dr. David Caldwell opened a classical school in Guilford County that became famous, a large number of eminent men receiving their education there. A year or two later Rev. Henry Parillo began to teach in Granville. One of his pupils, Charles Pettigrew, then of the Presbyterian faith, in 1773 became the principal of the Edenton Academy. A little later Rev. Daniel Earl, who had been the minister at Edenton, established a classical school in Bertie.

Foote's
Sketches

In 1771 the Lutherans on Second Creek, Rowan County, sent Rintelmann and Layrle to Europe to obtain "help to support a minister and school-teacher." Their efforts resulted in the establishment of Godfrey Arndt as the school-master of that settlement.

In 1768 Joseph Alexander succeeded Mr. Craighead as pastor of Sugar Creek: "a fine scholar, he, in connection with Mr. Benedict, taught a classical school of high excel-

lence and usefulness." Indeed, there was probably a school kept open in most of the seven Presbyterian settlements in Mecklenburg County.

1771

There was a grammar school at Charlotte before 1770, and in that year Edmund Fanning introduced a bill to establish a seminary of learning there under the name of Queen's College. Fanning, Pattillo, Abner Nash and other trustees were directed to meet at the grammar school and elect a president and tutors. The college was to have the right to confer degrees. The president was to be of the established church, and licensed by the governor, but that was not required as to the trustees or tutors. To endow the college, a tax of sixpence was laid on all liquors brought into the county of Mecklenburg for ten years. The trustees met and elected Fanning the president. Fanning, however, left the province, along with Governor Tryon, in the summer of 1771, and at the next session of the Assembly, in December, 1771, the charter was amended, enabling degrees to be conferred in his absence.

S. R., XXV,
597Queen's
CollegeS. R., XXV,
520

The original act having been sent to England, the Board of Trade reported "that this college, if allowed to be incorporated, will in effect operate as a seminary for the education and instruction of youth in the principles of the Presbyterian Church," and the Board doubted whether the king should give that encouragement to the Presbyterians in North Carolina. The Board also objected to the looseness of the wording of the tax clause; but in particular it recommended that the king should disallow the act because it came under the description of those unusual and important acts which were not to be passed without a suspending clause; that is, such acts were not to go into effect until the king had assented to them. The king disallowed the act in April, 1772, but the college seems to have been continued; and in April, 1773, the amendment being disallowed, a proclamation was issued by Governor Martin in June declaring that the amendment was of no effect. The school was maintained, apparently without interruption, under the name of Queen's Museum, and in 1777 the state legislature incorporated it as Liberty Hall, that act of Assembly then declaring that a

C. R., IX,
256, 257C. R., IX,
596, 597
Graham,
Life of
Gen. Jos.
Graham,
12-25
S. R.,
XXIV, 30

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number of youths there taught had since completed their education at various colleges in different parts of America.

That there were other schools at that period in other settlements cannot be doubted: while for higher education the colleges of William and Mary, Harvard, Yale, Princeton, in America, were patronized, and some of the youths from the seacoast counties at least were educated in England.

Taxation

Land tax

In those early days, when wealth found investment only in lands and in negro property, the subjects of taxation were few, and for general purposes the exclusive tax was on the poll. The expenses of government had from the first been cast on the Lords Proprietors, at least to a great degree. The salaries of officers were paid from the quit rents by the receiver-general and by fees. In 1715, however, a tax was laid of 2s. 6d. on every one hundred acres of land, in addition to fifteen shillings tax on the poll; but the land tax was for that year only.

After the transfer to the Crown the same system was continued, and the Crown officers and provincial officers were paid from the quit rents* and by fees. Many years passed before the Assembly could be induced to make some little provision for a salary for the chief justice and the attorney-general. The chief current expense was in connection with the assemblies.

Poll tax

As soon as Governor Johnston came in the Assembly granted an aid to the king, striking off currency for that purpose, and laying a tax on the poll to retire that currency. From time to time similar action was taken, provision being made to pay the provincial notes by a poll tax.

S. R.,
XXIII, 190

Similarly there was a county tax for bridges, court-houses, jails, etc., which generally ran about one shilling on the poll; and there was a parish tax usually applied to the care of the poor, and similar local purposes—and in some parishes a part of the fund going for the minister's salary, chapels, glebes, etc. This tax was limited to ten shillings, and seems to have run from one to three shillings generally. In 1768 the provincial tax aggregated seven shillings per poll. One

*All grants of land up to the Revolution were made subject to the quit rent.

shilling was still being collected to sink the aid to the king granted twenty years earlier, and five shillings of the entire tax was because of these aids. There was a tax for contingent expenses of government—to pay the chief justice, attorney-general, the expenses of the Assembly, etc. In that year there was a further tax of eight pence, which had been laid for two years to pay for the erection of the governor's palace. The county tax that year in Orange County was one shilling and the parish tax three shillings. The poll tax was levied on all male whites over sixteen years of age and on all slaves, female as well as male, over twelve years of age. By this distribution, property paid a tax, for as the lands were held by quit rents, most of the accumulated wealth was represented by slaves. For special purposes, some other taxes were imposed. A tonnage tax on vessels was collected for a fund to purchase powder. A tax on rum and liquors was sometimes laid for a local purpose—as for the New Bern Academy and Queen's College.

1771

Quit rents

In order to have the commodities marketed in a merchantable condition, there were laws regulating how they should be put up for the market; and there were many places specified where these articles of commerce could be inspected by an officer appointed for that purpose, and they were not to be shipped out of the province unless inspected. Public warehouses for the inspection of tobacco were established at Edenton, at a point on the Chowan and at Hertford; at Jones's and Pitts's Landing, in Northampton; at Tarboro, Halifax, Campbellton; at Dixon's, Kingston, and Shepherd's, in Dobbs County. The inspectors at these warehouses, on receiving commodities, gave inspectors' notes for the same; and these notes or receipts were receivable in payment of public taxes at the following rates: Tobacco, at fifteen shillings per hundredweight; hemp, forty shillings; rice, twelve shillings; indigo, four shillings a pound; beeswax, one shilling; myrtle-wax, eight pence; tallow, six pence; Indian-dressed deer skins, two shillings, six pence. Thus it took rather more than a pound of tallow to pay the tax that was levied to build the governor's mansion, and fifty pounds of tobacco paid the entire provincial tax of 1767-68.

Inspectors'
notesS. R.,
XXIII, 78a

1771

S. R.,
XXIII, 762**Lawyers**

The lawyers were regulated, and by act of 1770 they were not allowed to charge more than ten shillings for any advice in a matter before the inferior court, where no suit was brought; nor more than £1 for advice in a matter cognizable in the superior court. In suits for land they could charge no more than £5. In no other suit in the superior court could they charge more than £2 10s., and in the inferior court their fee was just one-half of that. They were to be fined £50 if they demanded any larger compensation. Their fee was embraced in the bill of costs in the suit, and if the attorney neglected his case the court could order him to pay all costs occasioned by his neglect. After any case was determined, any client could, however, make further compensation, if he chose to do so, to his lawyer.

S. R.,
XXIII, 789**Quakers and the militia**

Quakers had been subject to a fine for not mustering; in 1770 they were excused from mustering, but still they were required to render military duty in time of peril. It was provided that the colonel of the county should make a list of all male Quakers between the ages of sixteen and sixty, who should be under the command of some officer appointed by the governor. In time of invasion or insurrection a proportionate number of this Quaker force might be called into service, but could provide substitutes or could pay £10 instead.

Servants and slaves

Negro slavery was introduced into the colony at an early date, and servants by indenture was an English institution of long standing. Many persons came to America, paying their way by an agreement to render service for a definite period of time, these being called redemptionists. There were but few redemptionists brought to North Carolina, but apparently there was a considerable number of indented servants. The law forbade the emancipation of negroes except for meritorious services, to be passed on and allowed by the justice's court for the precinct or county. In 1723 such a considerable number of free negroes, mulattoes, and other

persons of mixed blood came into the colony, several of whom intermarried with the whites against the law, that a particular act was passed expelling them; and no negro set free was allowed to remain in the province longer than six months.

In 1741 a further act was passed on the subject of Christian servants, by which indented servants were meant, and of negro slaves, regulating their correction and punishment, their diet, lodging, etc.; these matters being under the supervision of the county justices. In case any Christian servant should, during the time of his servitude, become diseased, the church wardens had to see that he was cared for.

If any person should import a slave who had been free in any Christian country, such slave was to be returned to the country from which he was brought, and a penalty was fixed for the offence. Slaves were required to remain on the plantation, and only one of them was allowed to have a gun to hunt for his master.

In the trial of slaves other slaves could give evidence, but in no other cases.

1771

CHAPTER XXIV

MARTIN'S ADMINISTRATION, 1771-75

Martin's administration.—The Regulator chieftains.—Pardon asked.—The Assembly meets.—Act of oblivion recommended.—The line between the Carolinas.—The quarrel with the governor.—The Assembly dissolved.—Sarah Wilson.—Purchase of Granville's territory proposed.—Governor Martin proposes reforms.—He confers with the Regulators.—The province tranquil.—Martin's view of the commotion.—The house objects to the South Carolina line.—Disagreement of the houses over James Hunter.—Fanning's losses.—Changes at the west.—The court bill.—The attachment clause.—The house resolute.—It is dissolved.—Courts by prerogative.—Quincy's visit.—Martin to become Granville's agent.—Colonial affairs.—Committee of Correspondence.—The act of oblivion again fails.—The house affronts the governor.—The courts cease.—The governor seeks conciliation.—Temporary courts of oyer.—The one shilling tax.—Harvey urges a convention.—Continental affairs.—Tea destroyed at Boston.—Parliament closes the port of Boston.—The McDonalds come to the Cape Fear.

Martin's administration

1771
After the hasty departure of Governor Tryon from the province, at a meeting of the council held in New Bern on July 1, 1771, James Hasell, the eldest councillor and the president of the board, assumed the administration, requiring all officials to qualify again, as if he had been appointed governor. It was not until August 11th that Josiah Martin, the new governor, who had been detained in New York by illness, arrived at New Bern and entered on the discharge of his duties. Governor Martin, like Tryon, had been a lieutenant-colonel of the British army, but had two years earlier sold his commission and left the army because of ill health. He was just thirty-four years of age, an accomplished gentleman, a man of education, having strong connections in England. He had enjoyed the advantage of consultation with Governor Tryon at New York, receiving from him much information in regard to the local affairs of the province. His purpose seems to have been to continue in the same line of conduct that Tryon had pursued. Pleased with

August, 1771

C. R., X, 47

President Hasell, he took early occasion to recommend him for the position of lieutenant-governor in place of Lieutenant-Governor Mercer, who, it was rumored, had been appointed to a new government erected on the Ohio, but this proved to be an error, for Lieutenant-Governor Mercer still remained in England, enjoying the honors if not the emoluments of his office. 1771
C. R., IX,
50, 277

Applications were speedily made for the pardon of many of the leading Regulators. Husband had fled to Maryland, and later located in Pennsylvania. Howell also took refuge in Maryland, then moved to Virginia, but finally returned to the home of his youth in New Jersey. Hunter, who had strong connections in North Carolina, after some months' sojourn in Maryland, returned and took up his abode among his people. The Assembly favored him, as well as the county courts, much to the disgust of the governor. His friends asked for his pardon, but it was never formally granted, yet he remained undisturbed and was later regarded as a supporter of Governor Martin's administration. William Butler made his petition for pardon, saying: "It is with the utmost abhorrence that I reflect on the proceedings of the people formerly called Regulators, being fully convinced that the principles which they had espoused were erroneous, and therefore most sincerely promise never to do the like again." The friends of the "Black Boys" in like manner petitioned for mercy for them. Later the six convicted Regulators were pardoned by the king, and no other proceedings were instituted, although unavailing efforts were made to capture Husband in his hiding place in western Maryland. C. R., IX,
263, 264

Governor Martin convened the Assembly on November 19th, being the second session of the body elected in 1770. Husband had been expelled, and John Pryor, the other member from Orange, being dead, McNair and Nash were elected in their stead. Thomas Person, although excluded from pardon by the proclamation of Governor Tryon shortly after the battle of Alamance, appeared and took his seat, but Benjamin Person, one of the members from Bute, had died. General Waddell had been elected from Bladen County to fill a vacancy. There were no other notable changes in the body. 1771
C. R., IX,
136

1771

November

C. R., IX,
269

Governor Martin's opening address was very satisfactory to the Assembly, and Maurice Moore, Samuel Johnston and Abner Nash were appointed a committee to prepare an answer to it. Their address was reported to the house by Judge Moore, and it is notable in that it contains but little of the laudation lavished by the council on Governor Tryon, although it declared that "his spirited conduct and the bravery of the troops in the expedition against the insurgents deserve the acknowledgments of the whole country." Indeed, Judge Moore seems to have been at points with the late governor, shortly after whose departure there appeared a letter signed "Aticus," attributed to Judge Moore,* roughly handling him and holding him up to ridicule. The house urged the governor to grant a general pardon to all persons concerned in the insurrection except Husband, Howell and Butler. The omission of Hunter from this excepted list is remarkable, since he was the general of the insurgent forces. Governor Martin, however, thought it beyond his power to grant pardons, and replied that he had already offered such a measure for the consideration of the king, and at a subsequent session he informed the house that the king recommended it to pass a general act of pardon and oblivion.

Jan., 1771
Fire in
Wilmington,
South
Carolina
Gazette

The house proceeded to address itself to local affairs, passing bills to establish new counties at the west, to construct a public road from the western counties to Campbellton, to amend the act in relation to fees for officers, and other legislation calculated to promote the welfare of the people. Wilmington had suffered by a heavy fire, and an act was passed regulating the affairs of that town, particularly in view of possible conflagrations. A two-shilling tax was laid to retire debenture bills to the amount of £60,000, directed to be issued because of the expenses incurred in the Alamance campaign.

The line between the Carolinas

South Carolina had desired the line between the provinces to be so established as to give her a large territory at the west. On the other hand, Governor Tryon had urged that the line from the Yadkin River should be extended direct

*Also attributed to Abner Nash. Perhaps it was their joint work.

to the Indian boundary, which he thought it would reach somewhere near Reedy River. But South Carolina, claiming that the original division before Brunswick was settled had been the Cape Fear River and that when the line was run to the Yadkin the surveyors had erroneously allowed North Carolina eleven miles too much, now insisted that the boundary should be the Catawba River to its source in the mountains. The king, however, decreed that the line should follow the boundaries of the reservation allotted to the Catawba Indians, and then up the Catawba River to its forks, and from there a due west course. Such were the instructions given to Governor Martin, who asked for an appropriation to carry them into effect. The Assembly demurred, replying that it had no funds for the purpose, and with some indignation it petitioned the king not to insist on that line. After adjournment, however, Governor Martin ran that line, much to the dissatisfaction of North Carolina. It deprived the province of a wide breadth of valuable territory well settled, for population had now extended to the mountains; but notwithstanding all remonstrances, it never was altered. While the western part of the province was receiving these accessions of population, immigrants were continually arriving at the ports, and in the winter of 1771 no less than one thousand Highlanders disembarked on the Cape Fear.

1771
The line not satisfactory

C. R., IX,
459

The clashing over the sinking fund tax

Among other business that the Assembly undertook was the passage of a new court law. But the session was brought to an unexpected close with that and much other business unfinished. Besides the act for the issue of £60,000 of debenture notes, both houses passed a bill to issue £120,000 of proclamation money, which the governor considered repugnant to the act of Parliament prohibiting the issue of paper currency of legal tender, and did not assent to. On the same day, Saturday, December 21st, a bill was passed to discontinue a tax of one shilling for the sinking fund, which appeared to have had full operation. The governor was determined not to assent to that, saying that it was a measure teeming with fraud and inconsistent with the public faith, but the leaders in the Assembly were equally

Dec., 1771

The shilling tax discontinued

1771
The
Assembly
firm

C. R., IX,
230, 233

The
Assembly
dissolved

C. R., IX,
234

Sarah
Wilson

Martin,
Hist. of
North
Carolina,
II, 292

determined in their resolution to relieve the people of what they regarded an unnecessary burden. Despite the antagonism of the governor, they proposed to proceed. In view of the fact that he would not ratify the act, the house passed a resolution that the tax had accomplished its purpose and should no longer be collected; and that it would indemnify the sheriffs in not collecting it. This was similar action to that taken in 1768, to which Governor Tryon objected, but which, notwithstanding his objection, was successfully made effective. On learning that this resolution had been adopted by the house, Governor Martin hastily commanded their attendance, and before it could be entered on their journal of proceedings he immediately dissolved the Assembly. Treasurer Ashe was a member of the body, as well as Treasurer Montfort, who had been elected at a bye-election as the representative of the town of Halifax, and pursuant to the resolution, they omitted that tax from the sheriffs' lists.

The governor at once wrote to the treasurers, insisting that they direct the sheriffs to collect the tax as usual. While the treasurer of the northern district complied, the southern treasurer refused and obeyed the mandate of the Assembly. Thereupon the governor issued a proclamation commanding the sheriffs to make the collection, but his order was not generally obeyed. Thus came a breach between the new governor and the people, on a local matter, which Governor Tryon always had the address to avoid.

During the course of the winter an accomplished woman, calling herself Lady Susanna Carolina Matilda, sister to the queen of Great Britain, travelled through Virginia, being entertained at the houses of the gentlemen, and many had the honor of kissing her hand. To some she promised governments, to others regiments or promotions of different kinds in the treasury, army and navy, acting her part so adroitly as to levy heavy contributions on persons of the highest rank. At New Bern she received marked attention from Governor Martin and his wife, and at Wilmington she was also received with every distinction. Eventually, at Charleston, where much attention was paid her, her masquerade was discovered, and she was apprehended. Her name was Sarah Wilson. She had been a maid of honor.

Having access to the royal apartments, she rifled a cabinet of many valuable jewels, for which she was tried and condemned to death. By an act of grace her sentence was softened into transportation, and she had been landed in Maryland during the preceding fall, where, as a convict, she was purchased by a Mr. Duval. Shortly afterward she effected her escape from her master, and when at a prudent distance, assumed the name of the queen's sister, and for a brief season wore her borrowed plumage with fine effect.

1772

Governor Martin proposes reforms

Governor Martin, in considering the situation of affairs in the province, became greatly impressed with the desirability of the Crown's purchasing Earl Granville's territory, which was then offered for sale at a price between £60,000 and £80,000 sterling. The quit rents in 1766 exceeded £6,000 proclamation money. After that time the land office was closed, but so many settlers had seated themselves without grants in that domain that in 1772 it was estimated the rents would yield half as much more, and could titles be obtained it was thought that very shortly the rents would amount to £12,000. Such had been the great progress of settlement. But as no quit rents had been paid for five or six years, and the accumulation of indebtedness was heavy, the tenants, even those who had no titles, were very apprehensive concerning the day of payment, and there was a great ferment among them, ready to break out with violence when payment should be exacted. For these reasons the governor urged the purchase by the king, and the Assembly held the same view, for at the next session they solicited that the purchase should be made.

Quit rents

C. R., IX,
262

The governor had been instructed to request for the Crown the power of appointing the six clerks of the superior court, theretofore vested in the chief justice, and he now urged that the thirty-four clerks of the counties, the appointment of whom was vested in the clerk of the pleas, Mr. Strudwick, should likewise be appointed by the Crown. These clerkships yielded the incumbents from £50 to £500 per year, and they paid an annual rent running from £4 to £40 to Mr. Strudwick, who thus received £560 per annum,

The clerks

C. R., IX,
264-266

1772

C. R., IX,
266, 267

a handsome income from this sinecure. Besides, Mr. Strudwick was also secretary of the province, which yielded a fine income. Governor Martin dwelt on the evils of this system, by which these clerkships were bestowed on the best bidders, not persons chosen for loyalty, integrity or ability, who were led to extortion upon the people to indemnify themselves for that part of the profits which they had to pay for the appointment. With adroitness they managed the magistrates, who became confederated with them, and thus arose oppression and shameless conduct among those who ought to have been ministers of justice. In addition, he called attention to the facility with which the clerks found their way into the Assembly, and, being independent of the administration, opposed and embarrassed designs for the public good. He therefore urged most strongly an improvement in the polity of the province by the changes he recommended.

The governor at the west

1772

Following the example of Governor Tryon, Governor Martin proposed to pass the summer at Hillsboro. Departing from New Bern on June 21st, with twenty persons accompanying him, forming quite a cavalcade, he was more than ten days in making the journey, and when he approached Wake Court House was met by a number of gentlemen, who rode out from Hillsboro to escort him to his residence. That summer proved so dry and the drought was so prevalent that there was a notable failure of crops, not only in western North Carolina, but in South Carolina, as well as to the northward; and the demand for breadstuffs elsewhere was so great that it became necessary for the governor by proclamation to forbid the removal of any grain from the province.

At Hillsboro, the governor was waited on by many of the Regulators, and then for the first time he comprehended that the outlawed chiefs were so only by virtue of the riot act, which had then expired—and that, besides, it had not been ascertained by law that the proclamations had been published in conformity with the act, and therefore it was uncertain whether they were outlaws or not. He made a

tour to Salisbury and the Moravian settlement, and when in Guilford County had a conference with large numbers of the Regulators, among them James Hunter. They all expressed contrition, and the governor came to entertain very different views concerning the regulation movement. He extended his journey to the eastward as far as Halifax, remarking the great superiority of the inhabitants of Granville and Bute in wealth and refinement over those to the westward. In the course of his journey he reviewed the militia of Orange, Guilford, and Chatham, bringing together the people that he might reprehend them for their past offences and exhort them to good behavior.

C. R., IX,
349

Martin's
views

C. R., IX,
349

He submitted legal questions concerning the Regulators to the judges and attorney-general, with a view of ascertaining their status. In the opinion of the judges, the riot act having expired, the people who had participated in former disturbances were liable only under the previous law. Anticipating that there would be a general act of pardon passed by the Assembly, he directed that the outlaws and others should come into court and give their recognizances, which they accordingly did, and he had the satisfaction of reporting to the Earl of Hillsborough that all confusion and disorder had passed away and that peace and tranquillity reigned supreme. He also reported that the commotions were provoked by the insolence and cruel advantages taken by mercenary, tricky attorneys, clerks and other little officers, who practised every sort of rapine and extortion, bringing upon themselves the just resentment of the outraged people; and that they, by artful misrepresentations that the vengeance which the wretched people aimed at them was directed against the constitution, begat a prejudice against them, which was craftily worked up until the people were driven to acts of desperation.

C. R., IX,
332 *et seq.*

C. R., IX,
345

C. R., IX,
339

That the governor's heart was softened toward those who had been associated as Regulators was apparent, and his sympathies were so enlisted that he gained their good will, and at a later period they were easily moulded to his purposes.

1772

Letter from James Hunter to William Butler

"November 6, 1772.

Morehead's
James
Hunter,
2d ed., 44, 45

"DEAR FRIEND: Sorry I am that I have not the good fortune to see you. . . . I took this journey into Maryland with no other view but to see you, Harman and Howell, as I reckoned you were afraid to come and see me; but have had the bad fortune to see none of you—only Howell, whom I saw in Augusta County, on the head of James River. I expect you have seen Harman by this time, as he had gone with his family to the Red Stone. But I would not have you publish it.

The out-
lawed men

"Things have taken a mighty turn in our unfortunate country. This summer our new governor has been up with us and given us every satisfaction we could expect of him, and has had our public tax settled and has found our gentry behind in our, the public, tax, 66.443-9 shillings, besides the parish and county tax; and I think our officers hate him as bad as we hated Tryon, only they don't speak so free. He has turned Colonel McGee out of commission for making complaint against outlawed men—and he has turned out every officer that any complaint has been supported against. In short, I think he has determined to purge the country of them. We petitioned him as soon as he came, and when he received our petition he came up amongst us and sent for all the outlawed men to meet him at William Field's, told us it was out of his power to pardon us at that time because he had submitted it to the king, and the king's instruction was to leave it to the governor, council and Assembly to pardon whom they saw fit. But assured us he had given strict orders no man should be hurt or meddled with on that account, which made us wish for you all back again. Though some are of opinion Harman will not be pardoned, I am of a different mind. The country petitioned for you—upward of 3000 signers; his answer was that he would recommend it to the Assembly, and freely gave his consent that nothing might be left to keep up the quarrel. He came to see us the second time, and advised, for fear of ill-designing fellows, to go to Hillsboro and enter into recognizance till the Assembly met, which eleven of us did. He bemoaned our case and regretted that the indemnifying act had put it out of his power to give us full redress. Our enemies, I believe, would be glad to see you three pardoned, for some of them have gotten severely whipped about your being kept away, and I think the country is as much master now as ever. The outlawed men since they came home are very ill-natured and whip them wherever they find them, and the governor thinks it no wonder they do not take the law of them. There is a great deal of private mischief done. The people want you back, and I think you would be quite safe, though we can be

better assured when the Assembly breaks up: it sits December 10th, when it is allowed that an indemnifying act will pass on all sides.* Our governor has got Fanning to forgive the pulling down of his house, and he has published it in print advertisements all over the country. The governor has published a statement of the public accounts at every church and court-house in the province for seventeen years back, in print, with the sheriffs' names and the sum they have in hand for each year, and a great many of their extortionate actions—a thing we never expected—to the great grief and shame of our gentry. If you should go to that far country, I wish you would come and see us first; and let me assure you, you need not go on that account. Morriss Moore and Abner Nash have been up to see me, to try to get me in favor again, and promised to do all they could for you, and I think they are more afraid than ever. I have now some good news to tell you, which I heard since I left home. I met John Husbands on his way to Maryland to prove his father's debt, which the governor told him, if he would, in order to prove that Harman was in his debt, he should have all his losses made up, and told me that McCollough was come and was in our settlement, and was to have a meeting at my house the next Monday by a message from the king. Jeremiah Fields and others had been with him to know what it was, but he refused to tell them, he came to my house, only said that he had tidings of the gospel of peace to preach to us all; and was much concerned that I was not at home, for he had particular business with me. I am much troubled, dear brother, that I had not the good fortune to communicate my thoughts to you by word of mouth, for I have so much to tell you that I could not write it in two days. The outlawed all live on their places again, and, I think, as free from want as ever. I came home in ten months after the battle, entered a piece of vacant land adjoining my old place, and rented out my old place. I add no more, but subscribe myself your loving friend and brother sufferer.

1772
The
outlawed
men

"JAMES HUNTER.

"P.S.—Your friends are all well and desire to be remembered to you."

John Harvey speaker

A new Assembly, the members of which had been elected in the spring, was prorogued to December, and then to January 18th following, but the attendance being small, the session did not begin until the 25th. Because of Speaker Caswell's action in relation to the resolve forbidding the

Jan., 1773

C. R., IX,
447

*C. R., IX, 877. Act of indemnity disallowed by home government.

1773

collection of the one shilling tax. Earl Hillsborough had directed Governor Martin not to assent to Caswell's election as speaker, should the house again elect him. But now John Harvey was once more in his seat, and at Caswell's instance he was unanimously chosen speaker, Caswell himself having fixed his eye on the southern treasuryship. The session opened with every appearance of good will between the governor and the Assembly, and at once the house addressed itself to the passage of a large number of necessary bills. During the session the robes for the speakers and the maces having arrived, the treasurers were directed to provide suitable robes for the doorkeepers and mace bearers; and there was some disposition to have triennial assemblies, conformably to the law in England.

C. R., IX,
221, 503, 573

The governor communicated to the Assembly the cost of running the line from the Catawba nation to the mountains, but that body refused to pay it, saying that the line was very objectionable; that it was run in the interest of South Carolina, and that this province would bear no part of the expense. It was declared that a million acres of land had been taken from the province, on which were located many settlers; that a large part of Tryon County had been thrown into South Carolina, and the sheriff of Tryon County had to be relieved because of the arrears of the taxes which he had not collected. Notwithstanding the indignant remonstrance of the last house, the governor now communicated that any respectful petition would be considered by the king, and the house directed its Committee of Correspondence to require the agent to urge another line on the king's attention.

Act of oblivion defeated

There were echoes of the regulation movement. Many were the applications for allowances because of the expense suffered in connection with Tryon's march. Among those allowed by the house was the payment of £37 to William Few for the destruction of his wheat and rye field by Tryon's horses and cattle. An act of oblivion being proposed, among those excepted from its operation in the council were James Hunter, Samuel Devigny, and Ninian Bell

C. R., IX,
433, 547

Hamilton. In the house these names were omitted from the excepted list, and the bill fell because the council would not concur with the house in granting pardon to Hunter.

1773

Edmund Fanning had left the province and returned to New York. His attorneys had been directed to institute suit against those who had destroyed his house and property. But Governor Martin, fearing that this proceeding would revive animosities and produce some disturbance, prevailed on Fanning to abandon his actions at law and rely on the justice of the Assembly. His claim was for £1,500. The amount was moderate, but the house refused to pay it, saying that it could not appropriate public funds for private purposes; and although some discontent might arise from his suits, it would be local, while the inhabitants of the whole province would object to having the public money used that way.

Fanning

C. R., II,
545, 591

This being the session for the election of treasurers, Montfort was re-elected for the northern district, but by means which Ashe's friends hotly denounced as unjust, he was defeated by Caswell.

C. R., IX,
1054

Changes at the west

The development of the western section led to efforts to furnish the inhabitants of the interior needed facilities for transportation. At the little village of Charlotte, Queen's College had been established, although the act was disallowed because it vested in the trustees the right of appointing the master. Now a bill was passed to make it the county seat of Mecklenburg, but this, too, was rejected, as it contained provisions relating to other subjects of legislation. But in view of its growing importance, a highway was ordered to be built from Charlotte to Bladen.

Charlotte

On the Cape Fear, the hamlet of Cross Creek found a rival in Campbellton, less than a mile distant. Campbellton had become the mart of the northwestern counties, and a road was directed to be constructed from it to Dan River; also, in the superior court bill, it was proposed to discontinue the court at Hillsboro and attach Orange and Granville to the Halifax district, while Cratham and other counties were grouped in a new circuit, the court to be held at Campbellton.

Campbell-
ton

1773

February

The court bill

The Assembly, in committee of the whole, directed that a new court bill be drawn, providing for both superior and inferior courts; for the retention by the chief justice of the power to appoint the superior court clerks; and prohibiting the clerk of the pleas from selling or disposing of any county clerkship for any gratuity or reward whatsoever, and making any clerk who should give any gratuity or reward for his clerkship incapable of holding the office.

C. R., IX,
477The sale of
clerkships

The council sought to amend this bill in various particulars. While agreeing that there should be no sale of a clerkship, it proposed to allow the clerk of the pleas to reserve a proportion of the fees to himself; and especially, because of the king's commands, it desired an amendment that in all cases of attachment, where the defendant resided in Europe, the proceedings should be stayed one year. The house refused to concur, and the council finally passed the bill, but with a clause suspending its operation until it should be approved by the king. The old court laws, however, were about to expire, and some immediate provision for maintaining a judicial system was imperatively necessary. Under this stress, two other bills were at once introduced, with the view of continuing the former laws in force for six months, and until the next session of the assembly. In the council both of these bills were so amended as to exempt from attachment the landed property of persons who were not residents of the province, and requiring twelve months' notice to the debtor. This was an innovation in the law and usage which had ever prevailed in the province, and as it would be attended with great inconvenience, often resulting in the defeat of justice, the house refused to concur. The action of the council was, however, in conformity with the governor's instructions, and in the contest much heat was evolved. Finally the council, content with defeating the superior court bill, passed that continuing the inferior courts; but the governor was not so complacent, and he refused his assent even to that measure. Thus neither bill became a law, while the general act, passed earlier in the session, could have no operation until the king had given his assent. And so it was that

S. R.,
XXIII, 372The
attachment
clauseC. R., IX,
558The bills
defeatedC. R., IX,
600

the contingency had arrived upon which on the adjournment of the Assembly the entire judicial system of the province was to fall. With hot animosity, the house, appealing to the judgment of mankind, passed a resolution that there should be published in the gazettes copies of the governor's instructions and of the various communications between the two houses, so that their conduct could be fully understood.

No. 66, 1773
C. P., IX.
531

On the day this action was taken, March 6th, the governor having rejected the inferior court bill and sixteen others of less importance, prorogued the Assembly until the 9th, hoping by this act of discipline to bring the members into a frame of mind more compliant with his wishes. But the members had equal resolution, and, upon the prorogation, most of them returned to their homes; and although fifteen, with the speaker, appeared on the 9th, and the governor and council urged that, under the royal instruction given twenty years earlier, fifteen constituted a quorum, Speaker Harvey communicated to the governor that the members present would not make a house unless there should be a majority in attendance; and that he not only had no expectation of the arrival of other members, but those then at New Bern were preparing to depart. The house had refused to obey the governor. Nothing was left but its immediate dissolution, and writs were at once issued for the election of new members, the Assembly to be held on May 1st.

March, 1773

The
Assembly
firm
C. R., IX,
599

C. R., IX,
595

Prerogative courts

Without any laws providing for courts or juries, or directing how jurors should be drawn, with at least the ordinary number of criminals in jail, and a necessity existing to enforce the criminal laws for the preservation of peace and order, Governor Martin now bethought himself of his authority, under the king's prerogative, to establish courts of oyer and terminer, and on March 16th appointed Maurice Moore and Richard Caswell commissioners, together with the chief justice, to hold such courts. During the summer they were held in several of the counties under the order of the governor.

C. R., IX,
607

1773

Governor Martin having the previous year visited the western counties, now spent some time in the Albemarle section, and likewise in the counties bordering on South Carolina; and in his report of these journeys he spoke favorably of the fertility of the soil and the prosperous condition of the people.

Quincy's visit

The policy of the ministry and of Parliament in regard to the colonies had been a source of continual irritation, especially with the more commercial communities of the north; and in their plans for resistance the Massachusetts leaders deemed it expedient to have the united support of all the inhabitants of America. To this end, early in 1773, Josiah Quincy passed through North Carolina, seeking to establish a plan of continental correspondence, which the Virginia Assembly had recommended. At Wilmington he dined with about twenty persons at Mr. William Hooper's, and spent the night with Cornelius Harnett, whom he characterized as "the Samuel Adams of North Carolina." He mentioned in his diary: "Robert Howe, Harnett and myself made the social triumvirate of the evening. The plan of continental correspondence, highly relished, much wished for and resolved upon as proper to be pursued." He was surprised to find that "the present state of North Carolina is really curious; there are but five provincial laws in force through the colony, and no courts at all in being."

C. R., IX.
610Granville's
land office
opened

Earl Granville being now desirous of having his territory cared for, offered to make Governor Martin his agent, and the governor submitted the matter to Earl Hillsborough and received permission to undertake that employment in addition to his other duties. Granville's land office had been closed for several years.

During the summer the governor received instructions from the king disallowing the court law passed at the last session, but allowing attachments in a modified form. He had determined not to convene the Assembly until he had received these instructions, and prorogued it from time to time until the last of November, when the new house met, again electing Harvey as speaker.

Colonial affairs

1773

Immediately on its assembling, Speaker Harvey laid before the house resolutions received from other colonies, and a committee, composed of Johnston, Howe, and Harnett, was appointed to prepare appropriate answers. Among these resolutions were those of the Virginia Assembly of March 12th proposing a Committee of Correspondence, in which the house concurred, and it appointed eight members as a standing Committee of Correspondence, with directions to obtain the most early and authentic intelligence of the ministry's plans that related to the colonies; and, particularly were they required to report on a court of inquiry lately held in Rhode Island, with powers to transmit persons accused of offences to places beyond seas for trial. This action—the appointment of committees of correspondence—was the first step in the path that led to the union of the colonies. It was significant of a purpose of co-operation, and as time passed and event followed event, the bands of union were forged and the colonies became welded together in an indissoluble confederacy.

C. R., IX,
737, 741
Nov., 1773

C. R., IX,
741

Prerogative
courts
overthrown

C. R., X,
41

The house informed Governor Martin that in its opinion he could not erect courts of oyer and terminer without the concurrence of the legislature, and that it would make no provision for defraying the expenses of the courts he had instituted. Samuel Johnston was the leading spirit in the Assembly. He was pronounced against courts of prerogative and the house was unanimous in its action. Necessarily the system fell and the courts ceased. New bills were brought in for the establishment of courts, and for pardon and oblivion for the Regulators, and to discontinue the poll tax of one shilling. The council, however, objected to the first, insisting that it should be drawn conformably to the king's instructions, to which the house would not agree; nor did it act on the other measures.

The act of oblivion again fails

On December 21st the governor sent a verbal message requiring the immediate attendance of the house at his palace. Before complying, the house hastily passed a resolution appointing a committee, composed of the speaker and seven

1774

The aid of
Tryon
asked
C. R., IX,
787

other members, to prepare an address to the king on the subject of the court law, particularly relative to attachments, and to address Governor Tryon requesting him to convey the same to his Majesty, and "support our earnest solicitations with his interest and influence, and that he will accept of this important trust as testimony of the great affection this colony bears him, and the entire confidence they repose in him." Governor Martin having found the temper of the Assembly so firm in its opposition to his measures, prorogued it until March 1st, and the session closed without the passage of a single act.

C. R., IX,
809

When the governor learned of the address to Governor Tryon, of New York, his mortification was unbounded, his pride having received a severe blow, which he considered extremely undeserved; but he suppressed his anger and still pursued a persuasive policy.

No courts
in the
province

C. R., IX,
811
March, 1774

The governor's prerogative courts having suddenly fallen, there were in March, when the Assembly met again, neither criminal nor civil courts in existence. The governor made another earnest appeal for conciliation, and it was proposed as a temporary measure of relief that there should be three acts passed, one establishing courts of justice, one relating to foreign attachments, and one relating to the fee bill of 1748. On these measures, for the first time, the yeas and nays were entered on the house journals. The house refused to assent by large majorities, all the leading members voting in the negative.

C. R., IX,
930

The house having again passed a court bill, which the governor felt it his duty to reject, temporary acts were passed to establish courts of oyer and terminer and inferior courts, to last for one year, and then until the next session of the Assembly, to which he gave a reluctant assent. The friction between the Assembly and the governor was indeed pronounced, for the assemblymen were immovable, and notwithstanding Governor Martin was conciliatory to the last degree, yet he was bound by his positive instructions and could not meet the views of the popular leaders. On March 24th he prorogued the body until May 25th. But before its adjournment the house again resolved that the one shilling tax should not be collected. This was more

S. R.,
XXIII, 931

Temporary
court law

than the spirit of the governor could brook, and now giving rein to his wrath and indignation, he immediately issued his proclamation dissolving the Assembly with marks of his censure and disapprobation. The original act having been passed by the three several constituents composing the legislative body, the governor held that the house "had assumed the dangerous power of dispensing with the positive laws of the country, and that it was a political enormity to abrogate a solemn and important law by its single veto." The session, however, was not without avail, for provision was made for establishing inferior courts and criminal courts; of the latter, Alexander Martin and Francis Nash were the judges of the Salisbury and Hillsboro districts, respectively. So much at least had been accomplished.

1774
C. R., IX,
940

The
Assembly
dissolved

Courts of
oyer and
terminer

But this very important act was defective. It was certainly badly drawn. Governor Martin assented to it with great reluctance, and always spoke of it contemptuously. Under his instructions he could not assent to such a general court law as the Assembly insisted on, but because of the deplorable situation, in the absence of any courts of criminal jurisdiction, he gave his assent to this temporary act, which had been hastily passed by the Assembly. It authorized the governor to commission the chief justice to hold courts of oyer and terminer and general jail delivery, and to appoint two other persons resident in each district to hold the courts of their districts in the absence of the chief justice, but by inadvertence the powers conferred on these judges were not those probably intended, the draftsmen being unskilled. Chief Justice Howard left North Carolina for the summer, and James Hasell was appointed chief justice in his stead. The summer terms were to be held in June and July and the winter terms in December and January. When the court convened at Wilmington, at the close of July, Maurice Moore raised objections because of the defects in the act and in the commission of the judge. Moore had been on the bench in Governor Tryon's time, and had been appointed by Governor Martin one of the judges of his prerogative courts, which the Assembly had repudiated as being illegal and unconstitutional. The destruction by the Assembly of the court of which he was a judge on the score of illegality and

S. R.,
XXIII, 945

C. R., IX,
1060

Moore
attacks the
courts,
July, 1774

- 1774
McRee',
Iredell, I.
201
- unconstitutionality seems to have inflamed the deposed jurist, who had held his honors by the appointment of the governor, and now with zest he made his legal exceptions to the constitution of the Assembly's court, "very indecently reflecting upon the legislature, happy in the weakness of the judge." Because of his strictures, the court adjourned.
- C. R., X, 1 Nevertheless, these courts continued to be held, at least in some if not all the districts, until the summer of 1775.

Harvey urges a convention

- April, 1774
- C. R., IX,
968
- The condition of the province, although in the absence of courts there were fewer disorders than might have been anticipated, was, in 1774, a fruitful source of grave alarm to thoughtful citizens. Something, they said, must be done to save the country from anarchy. Biggleston, the governor's secretary, mentioned to Speaker Harvey that the governor did not intend to convene another Assembly until he saw some chance of a better one than the last. Promptly Harvey replied that the people then would convene one themselves. On the night of April 4, 1774, a week after the dissolution of the Assembly, Harvey and Johnston passed the night with Colonel Buncombe, and Harvey was "in a very violent mood, and declared he was for assembling a convention independent of the governor, and urged upon us to co-operate with him." He declared that he would lead the way and "issue hand-bills under his own name, and that the Committee of Correspondence ought to go to work at once." Such a proceeding was not unknown. It had been resorted to once, years before, in Massachusetts, but now it was a revolutionary movement and was a bold departure. Harvey had already spoken of it to Willie Jones, who promised to exert himself in its favor, and now Johnston wrote to Hooper on the subject, and asked him to speak to Harnett and Ashe and other leaders on the Cape Fear.

Continental affairs

But not only were the affairs of the province then acute, continental matters also were agitating the people. The agreement of the colonies not to give their assent to any law taxing America had led to the disuse of taxed tea, large quantities of which lay stored in the English ware-

houses of the East India Company. To counteract this, Parliament allowed the export of teas from England without the former export duty, so that the teas, even after paying the American tax, could be sold at a cheaper price. With the hope of speedy sales, the East India Company shipped cargoes to New York, Philadelphia, Charleston and Boston. Those for the two former ports were returned to London. At Charleston the tea was unloaded, but stowed away in cellars unsold. At Boston, where a considerable illicit trade in tea was carried on by Hancock and other merchants, which they did not wish interfered with, the government insisted that the tea should be landed and sold. To prevent this, a number of the inhabitants, disguised as Indians, on the night of December 18th boarded the ships, broke open the chests and emptied the tea into the harbor. Information of this proceeding caused great excitement in England. American affairs engrossed the attention of Parliament. Four acts were passed. By the first the port of Boston was closed, to take effect on June 4th, the custom house being transferred to Salem. By the second the charter of Massachusetts was abrogated and town meetings, except for elections, declared unlawful. By the third all officers of the Crown, in case of indictment, were to be sent to England for trial. The fourth related to the quartering of soldiers on the colonies. While these measures, aimed directly at the old colonies, excited indignation, a fifth, respecting the government of the new province of Quebec, occasioned even greater apprehension. In that, every limitation of the constitution was disregarded. The legislative power was vested in a council appointed by the Crown. Roman Catholicism was established as the state religion. Roman Catholics were eligible to office. There was to be no writ of habeas corpus. The French civil law, without jury trials, was ordained; and the bounds of the province were extended south to the Ohio and west to the Mississippi, hedging in the northern colonies. If charters could be abrogated, government by general assemblies abolished, Protestantism supplanted by Catholicism and the writ of habeas corpus ignored, America owed her liberties only to the sufferance of her masters.

1774

Tea
imported

December

1773
The Boston
Tea PartyAction in
EnglandBoston
closed,
June 4, 1774
C. R., IX,
1000Quebec
Act

1774

C. R., IX,
303Arrival of
HighlandersC. R., IX,
1020

Under the changing condition there was to be a conflict between the colonies and the mother country was apparent, and in view of it the king regarded with apprehension the wonderful growth of the colonies, and sought to check the removal of his subjects from Great Britain to his American dominions. Thus, in 1772, after James McDonald and his associates of the Isle of Skye, proposing to settle in North Carolina, had petitioned for an allotment of forty thousand acres of land, the request was refused on the ground that too many British subjects were removing to the colonies. McDonald was the head of that large and influential connection of which Flora McDonald was a member—that admirable woman whose picturesque career has given her a unique distinction among her sex. Notwithstanding this refusal, the McDonalds did not relinquish their purpose but continued their preparations to join the stream of Scotchmen who were migrating to the Cape Fear. In the spring of 1774 three hundred families came from the Highlands; and although the king in February of that year gave instructions which virtually closed his land offices and withdrew his land from entry, yet in the following winter some eight hundred other Scotchmen disembarked at Wilmington. Among them were the McDonalds. Flora and her husband, Allan, after a brief sojourn at Cross Creek, resided temporarily at Cameron Hill, near Barbecue Church, some twenty miles to the northward of Campbellton, and then located in Anson County.*

*At Wilmington the inhabitants gave Flora McDonald a public reception and ball: she was received at Cross Creek with great demonstration, martial music and the strains of the pibroch.

CHAPTER XXV

MARTIN'S ADMINISTRATION, 1771-75—*Continued.*

Organized resistance.—The Committee of Correspondence.—William Hooper.—The Wilmington meeting.—The cause of Boston the cause of all.—Parker Quince.—The first convention.—The counties organize.—Governor Martin's proclamation.—The convention held.—The resolution.—Non-importations.—Tea not to be used.—The revolutionary government.—Committees of Safety.—Instructions to delegates.—Governor Martin's attitude.—Goes to New York.—The Continental Congress.—The revolution progresses.—Cornelius Harnett.—The Edenton tea party.—Governor Martin returns.—The Transylvania colony.—The second convention called.—Proceedings on the Cape Fear.—John Ashe.—Robert Howe.—The Regulators disaffected.—The Highlanders.—Enrolled Loyalists.—The Assembly and the Convention.—John Harvey presides.—The American Association signed.—The governor's address.—The house replies resolutely.—The Assembly dissolved.—The last appearance of Harvey.—North Carolina at court.—Thomas Barker.—Governor Tryon.—North Carolina favored.—The battle of Lexington.—Martial spirit aroused.—The governor questioned by Nash.—He is alarmed.—The negro insurrection.—He seeks refuge at Fort Johnston.

Organized resistance

1774

To the dissatisfied colonists was imputed by the advisers of the king, from the very beginning of the controversy, a purpose to sever their connection with the mother country; but while that idea doubtless occurred to the minds of philosophic students as a remote possibility, it was not at all entertained by the people at large, who, born British subjects, had neither inclination nor purpose to change that relation. Among those who were casting their eye to the future was William Hooper. Writing April 26, 1774, to James Iredell, he said: "The colonies are striding fast to independence, and ere long will build an empire upon the ruins of Great Britain," but yet he was not agitating for a separation at that time.

C. R., IX,
1755

The plan proposed by Harvey for the people to convene an assembly did not at once materialize; but when the port

1774

of Boston was closed, in North Carolina as in every other part of America, there was a storm of indignation; and the proposition was revived.

S. R., XI,
245, 246

June

The cause of
Boston the
cause of all

On June 9th the Committee of Correspondence received sundry letters and papers from the northern colonies respecting the oppressive proceedings against Boston. These, the next day, they sent forward to the committee of South Carolina, saying that they could only express their individual sentiments, but believed that the inhabitants of the whole province concurred with them; that they thought that the province ought to consider the cause of Boston as the cause of America; that they should concur and co-operate in measures agreed on by their sister colonies; that it was expedient that deputies should be appointed to adopt measures; and that if assemblies could not meet, they should pursue the laudable example of the house of burgesses in Virginia—meet and form associations and put a stop to all commercial intercourse with Great Britain.

Movement
for a
convention

Some ten days later, on June 21st, the committee replied to the communication from Virginia, expressing the same sentiments as in their letter to South Carolina. Agreeing to the call of a general congress, they said: "As this cannot be effected but by a convention of the representatives of the several provinces, we think that the conduct pursued by the late representatives of Virginia is worthy of imitation when the governors shall decline to convene the people in their legislative capacity. . . . Should not our Assembly meet on July 26th, to which time it now stands prorogued, we shall endeavor in some other manner to collect the representatives of the people." These communications were signed by John Harvey, Edward Vail, Robert Howe, John Ashe, Joseph Hewes, Sam Johnston, Cornelius Harnett and William Hooper.

Hooper was especially concerned for the distresses of his kinspeople and friends, among whom he had been reared at Boston, and doubtless was a moving spirit in subsequent proceedings; but the general sentiment that the time had come for action was shared by Harvey and the other members of the Committee of Correspondence, and doubtless by the inhabitants generally.

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Governor Martin, having on March 30th dissolved the Assembly, the next day issued writs for an election of new members, but informed the Earl of Dartmouth that he did not propose another meeting of the Assembly until the fall. And so the contingency arose requiring action by the people in their own behalf. On July 21st the inhabitants of the district of Wilmington held a general meeting, at which William Hooper presided as chairman, the purpose being to prepare the way for a convention of the people.* At that meeting a resolution was adopted appointing eight gentlemen of the Cape Fear to prepare a circular letter to the counties of the province, urging that deputies should be sent to attend a general convention at Johnston Court House on August 20th to adopt measures that would avert the miseries threatening the colonies; and a resolution was adopted expressing concurrence in holding a continental congress on September 20th. The voice of the meeting was "that we consider the cause of the town of Boston the common cause of British America."

C. R., IX,
1017A
convention
called

Already the distresses of the indigent inhabitants of the closed port, whose business and industries were arrested and whose workmen were without employment, had appealed to the sympathies of the people of the Cape Fear, and liberal contributions of money and provisions had been made, the ladies equally with the men manifesting their sympathy by generous donations. Parker Quince, a patriotic merchant, tendered his vessel to transport these contributions, himself going to deliver them. And now the meeting suggested that other communities should make a similar demonstration of their sympathetic and patriotic interest.

Contribu-
tions sent to
Boston

At once North Carolina resounded again with the cry of "Liberty and Property." Meetings were held in various communities and provisions, contributed alike on the seaboard and in the interior, were sent to Boston by Edenton, Wilmington and New Bern; and the counties responded with ardor to the circular letter of the Wilmington committee. The meeting was finally fixed to be at New Bern on August 25th. Every county except Edgecombe, Guilford,

*Governor Swain, in Appleton's Cyclopedia, attributed this movement largely to John Ashe.

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Hertford, Surry, and Wake was represented by deputies selected at meetings of freeholders, the members of the Assembly being for the most part chosen as representatives in the convention. At these county meetings patriotic resolutions were adopted and committees of correspondence were appointed, which became the first nucleus of the power and authority of the respective communities in the management of local affairs in antagonism with the established government.

The voices
of the
counties

The discussions by James Iredell, Judge Moore and others, in the public prints and elsewhere, of the constitutionality of the courts by prerogative, which had been repudiated by the Assembly that spring, had brought forward anew the basic principles of the constitution, which now found expression in the declarations of the counties. The people of Pitt resolved "that as the constitutional assembly of this colony are prevented from exercising their rights of providing for the security of the liberties of the people, that right again reverts to the people as the foundation from whence all power and legislation flow." A clearer declaration of the sovereignty of the people and the sanction of government had not theretofore been made. Echoes of the same fundamental principles are to be found in most of the proceedings, and generally it was declared "that it is the first law of legislation and of the British constitution that no man be taxed but by his own consent, expressed by himself or by his legal representatives."

C. R., IX,
1030

C. R., IX,
1036

The resolves of Rowan contained a further sentiment: "That the African trade is injurious to this colony, obstructs the population of it by freemen, prevents manufacturers and other useful emigrants from Europe from settling among us and occasions an annual increase of the balance of trade against the colonists;" and "that to be clothed in manufactures fabricated in the colonies ought to be considered as a badge and distinction of respect and true patriotism."

C. R., IX,
1034

The freeholders of Granville resolved: "That those absolute rights we are entitled to as men, by the immutable laws of nature, are antecedent to all social and relative duties whatsoever;" and "that by the civil contract subsisting between our king and his people, allegiance is the right of

the first magistrate and protection the right of the people: that a violation of this compact would rescind the civil institution binding both king and people together." The very frame and foundation of civil government had been examined and was then declared. The common sentiment found expression in the Granville resolutions: "Blessed with freedom, we will cheerfully knee the throne erected by our fathers, and kiss the sceptre they taught us to reverence," yet "as freemen we can be bound by no law but such as we assent to, either by ourselves or our representatives. That we derive a right from our charters to enact laws for the regulation of our internal policy of government, which reason and justice confirm to us, as we must know what civil institutions are best suited to our state and circumstances."

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The springs of patriotism were yielding now the first streams that, uniting and swelling, in the course of time became the mighty current that swept America into the stormy seas of revolution.

On August 12th Governor Martin, greatly concerned at the proposed revolutionary congress, convened his council and issued his proclamation enjoining all of his Majesty's subjects from attending any illegal meetings, and commanding every officer in the province to aid and assist in discouraging and preventing them; and especially in preventing the proposed meeting of deputies at New Bern. But nevertheless the convention was held, and the governor had the mortification of observing that all the members of his council except James Hasell freely mixed with the members, giving them aid and countenance, and apparently being in full sympathy with them.

C. R., IX,
1020C. R., IX,
1036

At the meeting of August 25th* John Harvey was chosen moderator. Hewes, one of the standing Committee of Correspondence appointed by the last Assembly, presented letters received by that committee from the other colonies, and it was thereupon resolved to appoint three delegates to attend the general congress to be held at Philadelphia. There was much rivalry among some of the members to secure these appointments. William Hooper, who was one of the leading members and to whose pen the resolutions adopted by the

Aug. 25, 1774

C. R., IX,
1063

*A similar convention was held by Virginia on August 1st.

1774

The dele-
gates to the
Continental
Congress

convention are attributed, was the first selected, and with him were Joseph Hewes and Richard Caswell.

Perhaps remembering how Parliament had yielded to the demands of the colonists and their friends in Great Britain eight years earlier, the provincial leaders may have conceived that now similar influences would again prevail, and that the mission of deputy to the general congress would be only a temporary employment. Thus it may be that for personal reasons this honorable post was particularly sought by those selected—Hooper, deeply interested on behalf of his Boston kindred; Hewes, largely concerned in his mercantile firm at Philadelphia; and Caswell, desirous of revisiting his old home in Maryland wearing the high honors he had won in Carolina. But in any aspect, the selections were well made. They were among the foremost men of the province, possessing abilities equal to the station. Of the lofty devotion of Hooper and Hewes there could be no doubt; and although Governor Martin conceived the idea that Caswell was going with the current against his inclinations and judgment, yet he, too, gave every pledge of devotion and zeal, urging his son to take his musket and, exposing the secrets of his heart, declared that he would shed his last blood "in support of the liberties of my country." That Caswell sprang at once into the group of the most influential leaders and made a lasting impression on his associates in the Continental Congress is beyond question. Indeed, it is to be doubted whether any other colony sent a delegation of superior merit to that body, whose amazing excellence extorted the admiration of the world!

C. R., IX,
1001C. R., IX,
1250The
intolerable
acts

Declaring themselves "his Majesty's most dutiful and loyal subjects," the deputies entered into resolutions of the most positive character. They asserted that any act of Parliament imposing a tax on the colonies was illegal and unconstitutional; that the Boston port act was a cruel infringement of the rights of the people; that the act regulating that province was an infringement of the charter; that the bill empowering governors to send persons to Great Britain for trial will tend to produce frequent bloodshed. And in the way of enforcing a redress of grievances, the convention resolved that after January 1, 1775, they would import or

neither East India goods nor goods of British manufacture; nor would they export any products of the country; nor should any slaves be imported or brought into the province; and after September 10th they would not suffer any East India tea to be used in their families, but would consider all persons not complying with this resolve as enemies of the country.

1774
Non-importation

Retaliatory measures

The revolutionary government

The convention then laid the foundation for a revolutionary government by providing that at every future meeting the counties and towns shall be represented, and recommended that a committee of five should be chosen in each county to take care that the resolves of the congress should be properly observed, and to act as a committee of correspondence. These later became known as Committees of Safety.

C. R., IX,
1947

The convention gave directions to the deputies to the general congress based on an unchangeable purpose to defend their persons and property against all unconstitutional encroachments, and authorized them to enter into an agreement that until there should be an explicit declaration and acknowledgment of colonial rights, there should be a cessation of all imports and exports; and to concur with the deputies from other colonies in any regulation or remonstrance that a majority might deem necessary measures for promoting a redress of grievances.

In view of the precarious health of Colonel Harvey, Samuel Johnston was empowered to convene the deputies of the province at such time and place as he should think proper. And so a positive step was taken toward the revolution that was impending, provision being made for the orderly assembling of deputies who should represent the people and exercise the power of government over those who would assent to be controlled by the resolutions of congress.

Governor Martin's attitude

The position of Governor Martin was now delicate in the extreme. He realized that the power of government had largely passed into the hands of the committees of corre-

1774

C. R., IX,
1053

spondence and the provincial Assembly, and was greatly mortified at the falling away from his support of the members of his council and other gentlemen whom he thought bound by the ties of duty and obligation to oppose the revolutionary faction. He, however, ascribed the condition of affairs in North Carolina to the personal ambition of aspirants for the treasuryship rather than to a more patriotic design. At the election for treasurers in 1772 Johnston had been defeated by Montfort and Ashe supplanted by Caswell. Caswell had been one of his judges appointed by prerogative, and the opposition to that court the governor attributed to a purpose to render Caswell unpopular in the interests of a combination between Johnston and Ashe—a conjunction which he regarded as extremely formidable to the interests of the country and productive of further and worse consequences. The convention having adjourned, and there being no other movement of the people on foot, Governor Martin, in September, because of ill health, left the province for New York; doubtless also he wished to confer with Governor Tryon. In his absence the administration devolved on James Hasell.

The Continental Congress

The action of the general congress was substantially on the lines indicated by the resolutions of the Provincial Convention of North Carolina. There were adopted resolutions of non-importation and non-exportation, which, being signed by the members on behalf of themselves and their constituents, became an association paper, which they agreed "to observe by the sacred ties of virtue, honor, and love of country." It was recommended that committees should be chosen in every county and town to see to the observance of the association by the people, and that the committees of correspondence should be active in disseminating information.

The
Association,
Sept. 10thMcRee's
Iredell, I,
227

The post of deputy was one of honor, but also one of danger. On the adjournment of the congress, Hewes wrote to Iredell: "Our friends are under apprehension that administration will endeavor to lay hold of as many delegates as possible, and have them carried to England and tried as rebels; this induced the congress to enter into a resolve in

such cases to make a reprisal. I have no fears on that head; but should it be my lot, no man on earth could be better spared. Were I to suffer in the cause of American liberty, should I not be translated immediately to heaven as Enoch was of old?" Such was the general feeling—a spirit of sacrifice and self-immolation. The fires of patriotism were indeed lighted, and an ardor to maintain the rights of America animated the inhabitants of every province.

1774

The revolution progresses

During the fall and early winter local committees convened the freeholders in the several counties of North Carolina, and, conformably to the resolutions of the provincial and continental congresses, standing committees of safety were appointed. The earliest proceedings of any committee that have been preserved are those of Rowan County. On September 23d the people there took action, led by William Kennon and Adlai Osborn, and doubtless the inhabitants of Mecklenburg County were equally forward under the influence of Tom Polk, the Alexanders and Brevards. On October 4th the freeholders of Pitt met, and on the same day there was a general muster of Colonel Bryan's regiment of militia in Johnston. At Halifax, Willie Jones, Samuel Weldon and their associates on the committee in December declared Andrew Miller, a merchant of Halifax, under the ban for refusing to sign the association. In the Albemarle region, Johnston, Hewes, and Harvey directed events, while Richard Cogdell, Abner Nash, Alexander Gaston and other patriots took strong and zealous action at New Bern.

The freeholders of Wilmington having appointed their Committee of Safety, on November 23d that body immediately began to exert authority. Captain Foster informed the committee that a quantity of teas had been imported in the brig *Sally* by himself, Messrs. Ancrum, Brice, Hill and others, and the importers did not know how to dispose of it, and they desired the advice of the committee.* A letter was

Tea at
Wilmington

*Extract from Letter Book of William Hill:

"BRUNSWICK, July 26, 1774.

"Messrs. KELLY & Co., London, England:

"The tea, though repeatedly written for, is not come at all, but I need not find fault or make any objections now; for the flame into

1774

November

addressed to Mr. Hill, making inquiry whether the tea might not be regularly re-exported in the same vessel. To this inquiry Hill replied that, in the absence of the collector and the comptroller, he could not answer what they would determine; but, said he, "The safety of the people is, or ought to be, the supreme law; the gentlemen of the committee will judge whether this law or an act of Parliament should, at this particular time, operate in North Carolina. I believe every tea importer will cheerfully submit to their determination." Such was the sentiment that pervaded every breast—

which this whole continent is thrown by the operation of the Boston port bill will presently show itself in a universal stop to all intercourse between Great Britain and the colonies. . . . Though the want of the tea has for some time past been a serious hurt to me, yet 'tis now a lucky omission, as I am very doubtful our committee would have moved it back. But I hate politics, and your papers are by this time filled with the resolutions of the different provinces, towns, etc., in America. It may not be amiss to say that they are sending large contributions from every port on the continent to Boston for the relief of the suffering poor," etc., etc.

"BRUNSWICK, August 17, 1774.

"The tea I am as much surprised to see now as I have been disappointed in the want of it these several months past. Had it come agreeably to my request, in July, 1773, it would have afforded a profitable sale; but it is now too late to be received in America. If I were ever so willing to take it, the people would not suffer it to be landed. Poison would be as acceptable. I hope you will not be surprised, therefore, to receive it again by the same ship. By this you will easily perceive how vastly mistaken your correspondents have been, in their opinion of disunion among the American provinces; and I can venture to assure you that North Carolina will not be behind any of her sister colonies in virtue and a steady adherence to such resolves as the Continental Congress now sitting at Philadelphia shall adopt."

Mr. Hill added that he would "decline, until the present difficulties are happily over, further intercourse with Great Britain."

"BRUNSWICK, December 1, 1774.

"GENTLEMEN:

"The *Mary* luckily arrived two days before the importation limit expired: for, from and after this day, all goods imported from Great Britain are to be vendued—the first cost and charges to be paid to the importer; the profit, if any, to go to the relief of the sufferers by the Boston port bill.

"The tea of Ancrum & Company and Hewes & Smith was inadvertently landed; but they delivered it to the collector for the duties, and it is now lodged in the custom house."

"BRUNSWICK, June 3, 1775.

"The whole continent seems determined, to a man, to die rather than give up taxation to those over whom they can have no constitutional check."

that the safety of the people was the supreme law, and that the committees were to determine how far any act of Parliament was to be operative. The people were asserting the supremacy of their will over the authority of the mother country.

1774
November

At Wilmington the committee put a stop to horse racing, to parties of entertainment, to the importation of negroes, requiring them to be returned to the countries from which they had been shipped; forbade any increase in the price of goods, sold the cargoes of merchandise that were imported, paying the profit for the benefit of the Boston sufferers, and particularly took action to secure a supply of powder. Its leading spirit was Cornelius Harnett; but with him were associated not only the gentlemen of the country, but most of the merchants of the town. Throughout every part of the province there was similar action. The patriots were resolute. The merchants refused to receive any more tea shipped to them; locked up their stock, never to be sold, and one even threw his stock into the river. Nor were the women indifferent spectators of passing events. They sympathized with the ardor of their fathers, husbands and brothers, and were willing to make every sacrifice the situation demanded. At Wilmington they had contributed most generously for the Boston sufferers, and doubtless in every community they were imbued with the same patriotism.

Rule of
Safety
Committees

S. C. Gaz-
ette, April
3, 1775

Spirit of
the women

The Edenton tea party

The Edenton ladies, shortly after the adjournment of the convention, held a meeting on October 25th, and declared that they could not be indifferent to whatever affected the peace and happiness of their country; and that since the members of the convention had entered into the particular resolves adopted by that body, they themselves proposed to adhere to the same resolves, and they therefore subscribed an association paper as a witness of their solemn determination to do so. From that time East India tea was discarded by the ladies of Edenton.*

*In the earlier stages of the disagreement between the colonies and the mother country the sympathies of a large part of the English people were with the colonies, whose cause was strongly supported by many newspapers and by leading cartoonists. The following

1774

Governor Martin returns

On December 7th Governor Martin began his return journey from New York by land, reaching New Bern on January 15th. He observed the inhabitants everywhere greatly aroused, and committees carrying into execution the measures of the general congress. At Annapolis he saw with horror his former companion in arms, General Charles Lee, then a British half-pay officer, drilling the people; while in North Carolina he realized that the committees were completely exercising the functions of government. To his distress at the political situation there was to be added a sore personal affliction, the loss of a little son, the third child of whom he had been bereaved since his arrival in Carolina. He found awaiting him at New Bern his appointment as agent

extracts are taken from a volume entitled "The Boston Port Bill as Pictured by a Contemporary London Cartoonist," by R. T. H. Halsey, published by the Grolier Club, 1904:

"An account of a meeting of a society of patriotic ladies at Edenton, in North Carolina, appeared in various English papers about the middle of January, 1775. Possibly the imposing list of signatures attached to the resolutions passed at this gathering caused our cartoonist to select this incident as one fairly representative of the moral and physical support the women of the colonies were contributing to the common cause. No reader of English newspapers, during the long protracted dispute between the king and the colonies, could have remained ignorant of the political activities of the colonial women. . . .

"The above citations from the English press of the frugality, industry and cheerful abstinence from many of the comforts of life displayed by the women of the American colonies, have been quoted to demonstrate that the political activities of the colonial women were well known to the public on whom our cartoonist depended for a market for the sale of his prints. The especial incident, the action of a society of patriotic ladies at Edenton, in North Carolina, which he had selected as being typical of the attitude of the women in the colonies, was described in several London papers about the middle of January, 1775.

"The following extract from the *Morning Chronicle and London Advertiser* (of January 16, 1775) tells of the association formed by the women of Edenton, in their endeavors to assist in carrying out the resolutions taken by the men of North Carolina, and furnished the cartoonist for his illustration—extract of a letter from North Carolina, October 27th (1774)—The provincial deputies of North Carolina, having resolved not to drink any more tea, nor wear any more British cloth, etc., many ladies of this province have determined to give a memorable proof of their patriotism, and have accordingly entered into the following honorable and spirited association. I send it to you to show your fair countrywomen how zealously and faithfully American ladies follow the laudable example of their

and attorney of Granville; and there was at once need for his action.

1775

The Transylvania colony

Richard Henderson, an eminent attorney, who had served on the bench a few years earlier, had arranged for the purchase from the Cherokee Indians of a large portion of their hunting grounds in Kentucky and Tennessee, and was preparing to occupy that wilderness with a colony. This was particularly in contravention of the king's proclamation, and of the acts of Virginia and of North Carolina. The territory, extending from the Ohio southward, lay partly in the king's domain and partly within the lines of Lord Granville. Gov-

husbands, and what opposition your *matchless* ministers may expect to receive from a people, thus firmly united against them':

"EDENTON, NORTH CAROLINA, October 25 (1774).

"As we cannot be indifferent on any occasion that appears nearly to affect the peace and happiness of our country, and as it has been thought necessary, for the public good, to enter into several particular resolves by a meeting of members deputed from the whole province, it is a duty which we owe, not only to our near and dear connections, who have concurred in them, but to ourselves, who are essentially interested in their welfare, to do everything, as far as lies in our power, to testify our sincere adherence to the same; and we do therefore accordingly subscribe this paper as a witness of our fixed intention and solemn determination to do so:

Abigail Charlton,	Sarah Beasley,	Sarah Valentine,
Elizabeth Creacy,	Grace Clayton,	Mary Bonner,
Anne Johnstone,	Mary Jones,	Mary Ramsey,
Mary Woolard,	Mary Creacy,	Lydia Bennett,
Jean Blair,	Anne Hall,	Tresia Cunningham,
Frances Hall,	Sarah Littlejohn,	Anne Haughton,
Mary Creacy,	Sarah Hoskins,	Elizabeth Roberts,
Mary Blount,	M. Payne,	Ruth Benbury,
Margaret Cathcart,	Elizabeth Cricket,	Penelope Barker,
Jane Wellwood,	Lydia Bonner,	Mary Littlelle,
Penelope Dawson,	Anne Horniblow,	Elizabeth Johnstone,
Susanna Vail,	Marion Wells,	Elizabeth Green,
Elizabeth Vail,	Sarah Mathews,	Sarah Howe,
Elizabeth Vail,	Elizabeth Roberts,	Mary Hunter,
J. Johnstone,	Rebecca Bondfield,	Anne Anderson,
Elizabeth Patterson,	Sarah Howcott,	Elizabeth Beasley,
Margaret Pearson,	Elizabeth P. Ormond,	Elizabeth Roberts.

" . . . Our cartoonist has pictured in the closing cartoon of the series a living room of a colonial home, filled with women, both of high and lowly station, matrons and maidens, all clothed in garments the materials of which bore no trace of having emanated from the looms of Manchester or Birmingham."

1775
 erner Martin hastened to issue a strong proclamation forbidding the proposed settlement from being made, and declaring that all who should enter into any agreement with the Indians would expose themselves to the severest penalties. Still Henderson did not remit his exertions to carry his design into execution. Daniel Boone blazed the way, and a colony was successfully established on the dark and bloody ground of Kentucky.

Proceedings on the Cape Fear

The general congress recommended that another should be convened on May 10th; and early in February Colonel Harvey gave notice to the committees of safety to have elections of deputies to attend another provincial convention. On the 20th of that month the New Hanover committee invited co-operation with that of Duplin, indicating that on March 6th there would be several matters of much concern to American welfare agitated. John Ashe, who had long been colonel of New Hanover County, had declined to accept a new commission from Governor Martin, thus disassociating himself from the military organization of the constituted authorities; and the people of New Hanover had met and chosen field officers for a regiment, he becoming the colonel. Similar action was taken in Brunswick, and Colonel Robert Howe was training the people to arms. On March 6th an association paper was agreed to by the New Hanover committee and recommended to the committees of the adjacent counties, by which the subscribers "most solemnly engage by the most sacred ties of honor, virtue, and love of country" to observe every part of the association recommended by the Continental Congress. At the same time it appears that there was a proposition to seize Fort Johnston, but it was thought not advisable. Some of the inhabitants of Wilmington were reluctant to sign the association paper, and Colonel Ashe appeared in the town at the head of some five hundred of his regiment and menaced the people "with military executions if they did not immediately subscribe." Without doubt, being now an active leader in the throes of a revolution, Ashe used every influence that could be exerted to infuse zeal among the people, to fix the wavering and to overawe those

March 6,
1775
Troupe
organized

C. R., X,
48, 149

C. R., IX,
1149-1157
March, 1775

C. R., X, 38

C. R., X, 48

who were disinclined to cast their fortunes with the revolutionists. The commanding figure on the Cape Fear, he was at once stalwart, bold and determined. With him were his kinsmen, and Harnett and Howe, Moore and Lillington; unhappily, DeRosset and Waddell, leaders in the stamp act times, had passed away. For their resolute action, Harnett, Ashe, Howe, and Abner Nash were particularly marked out by the governor as proper objects of proscription, because "they stand foremost among the patrons of revolt and anarchy."

C. R., X, 98

The disaffected in the interior

But amid these evidences of defection the governor found some comfort. The Regulators had never been pardoned, and were still fearful of punishment. From time to time, as apprehensions arose, others would follow those who had earlier removed from the province; and many of the former insurgents were yet uneasy. The king had recommended to the Assembly to pass an act of oblivion, but session succeeded session without bringing the comforting assurance that there were to be no more prosecutions. Now some of the Regulators presented addresses to the governor, much to his satisfaction. Some two hundred inhabitants of Rowan and Surry assured him of their determination to continue his Majesty's loyal subjects. More than one hundred residents of Guilford, "being before an unhappy people, lying under the reflection of the late unhappy insurrection," declared that they held a firm attachment to his Majesty. From Anson came the assurance from more than two hundred to continue steadfast in the support of government. The governor speedily took measures to attach these people to him, giving them every encouragement; and so hopeful was he of their united support that on March 16th he wrote to General Gage, at Boston, asking for arms and a good store of ammunition, and promising, with the aid of the Regulators and Highlanders, to maintain the king's sovereignty in North Carolina. He had indeed ascertained that many of the Highlanders who had so recently settled in the province, and others being, like the Regulators, oath bound, would enroll themselves beneath his banner; and he sent emissaries among

C. R., IX,
1169 *et seq.*C. R., IX,
1167

1775

them and association papers for them to sign. To strengthen this movement, he caused the several addresses received by him to be published in the *North Carolina Gazette*, and soon had the satisfaction of finding that some fifteen hundred men were enrolled in his support.

The Assembly and the Convention

C. R., IX,
1178The two
bodies sit
togetherC. R., IX,
1213The
Association
signed

The Provincial Convention or congress was to meet at New Bern on April 3d and the Assembly on the 4th, the two bodies being composed substantially of the same members. On April 2d Governor Martin issued a proclamation forbidding the convention to be held, and exhorting members to withdraw themselves and desist from such illegal proceedings. Nevertheless the convention met, chose Harvey moderator and proceeded to business; and on the 4th the house met, Harvey being chosen speaker. On the following day the governor issued another proclamation, commanding all his Majesty's subjects to break up the illegal convention, but his warnings were disregarded. Indeed, on that very day, the Assembly being in session and Harvey in the chair as speaker, the members of the convention who were not assemblymen, and there were about twenty more of the former than of the latter in attendance, took their seats in the house, which was then converted into the convention; and the body proceeded to the transaction of business as such, later the business of the house being resumed. On information of this proceeding, Governor Martin's wrath knew no bounds, and quickly changing the upper house of the legislature into a council, he brought the subject before them, but was advised that it was inexpedient to take notice of it. The convention signed the association adopted by the general congress, thanked Hooper, Hewes, and Caswell for their services as deputies and re-elected them to attend the next congress, to be held on May 10th, and invested them with power to bind the province in honor by any act that they might do. It recommended the encouragement of arts and manufactures, and that premiums should be offered by the local committees to promote industries throughout the province. It declared that his Majesty's subjects have a right to meet and petition the throne and to appoint delegates for that purpose, and that

the governor's proclamations commanding the convention to disperse was a wanton and arbitrary exercise of power.

To the house the governor made a long and heated address, inveighing against the illegal convention, pointing out that it was dishonorable to the Assembly for such a body to meet, and warning them of the dangerous precipice on which they who had solemnly sworn allegiance to the king then stood, and informing them of the satisfaction he had received in the assurance of support by the inhabitants of the interior.

The reply of the house was spirited and bold. It declared that the members, with minds superior to private dissensions, had determined calmly, unitedly, and faithfully to discharge the sacred trust reposed in them by their constituents; acknowledging their allegiance to the king, they declared that the same constitution which established that allegiance bound his Majesty under as solemn obligations to protect his subjects, making each reciprocally dependent. Asserting that the king had no subjects more faithful than the inhabitants of North Carolina, or more ready, at the expense of their lives and fortunes, to protect and support his person, crown, and dignity, they expressed their warm attachment to their sister colonies and heartfelt compassion for Boston, and declared the fixed and determined resolution of the colony to unite with the other colonies to retain their just rights as British subjects. They reiterated what the convention had affirmed with regard to the legality of that body, approved the proceedings of the Continental Congress, and resolved to exert every influence to induce the inhabitants of North Carolina to observe the rules it had recommended. They thanked the North Carolina deputies for their faithful conduct, and approved of their re-election by the convention. The governor, on the evening of Friday, the 7th, having obtained information of the nature of the Assembly's address to him, early the next morning dissolved the body.

Although later Governor Martin called for the election of new members to be held on June 23d, this was the last Assembly ever convened under royal authority. It was also the last appearance in public affairs of that sterling patriot, John Harvey, whose health had long been delicate; and now,

1775

C. R., IX,
1125, 1204Reciprocal
duties
declaredApril, 1775
The
Assembly
dissolved

1775

Death of
Harvey

wasted by disease, he bade farewell to those associates who had given him so many evidences of their esteem and confidence, and who, under his guidance, had entered upon that determined action which subsequently led to the independence of the colony. About the middle of May he fell from his horse and died, lamented by his compatriots.

North Carolina at Court

Barker and
Elmsly
suppress
address to
kingC. R., IX,
1200
North
Carolina
excepted

In England some conciliatory measures had been proposed that, however, did not at all appeal to the colonists. Thomas Barker, who twenty years earlier had been a lawyer of influence in the Albemarle section, and once treasurer, was now in England, and Alexander Elmsly, who also had been a member of the Assembly and a man of influence in that section, being also in London, to them it was given in charge by the Assembly of 1774 to present the address of the province to the Crown. They took the liberty of suppressing that address as adopted by the Assembly and of writing another, which was received with favor by the Board of Trade; and Governor Tryon, being also at London, exerted himself in behalf of North Carolina; so that when, about the middle of February, a bill was introduced into Parliament forbidding trade with the colonists, North Carolina and New York were excepted. This was regarded in the province as an unenviable distinction, and was ascribed to a purpose to detach North Carolina from the common cause, while at the same time leaving open communications by which Great Britain could continue to receive needed supplies of naval stores so essential for naval operations. This tender was at once rejected by the inhabitants with disdain, and North Carolina, paying no attention to it, remained faithful to the common cause. To the northward military companies were forming, and the Virginia Assembly provided for the raising of a company in each county. Such a proposition was brought forward in the North Carolina convention, but was then deemed inexpedient.

C. R., IX,
1214

The battle of Lexington

But all hopes that the peace would not be broken quickly vanished. On April 19th the first clash of arms occurred

at Lexington, and information of that battle was hurried from Boston by successive couriers to Charleston. On May 3d the courier from Nansmond reached Edenton; on May 6th, New Bern; two days later, Wilmington and Brunswick. On May 9th, Montfort, at Halifax, despatched the news to Burke at Hillsboro, and it spread rapidly throughout the province. It created great excitement. The people were stirred as never before. A new phase was now imparted to public affairs, the people feeling that they must fight. Independent military companies at once began to be organized. It was the same throughout all America. Toward the end of April Caswell and Hewes left the province to attend the Congress. In Virginia and Maryland they were escorted through the several counties by the military companies, and on reaching Philadelphia they found twenty-eight companies organized and 2000 men drilling morning and evening, and only martial music could be heard in the streets. The change had been electrical.

On May 10th Nash and others had begun the formation of companies at New Bern. The governor, fearing that some mounted cannon on the palace grounds would be seized and carried off, on May 23d caused them to be dismounted; and when Nash and a committee of citizens waited on him to ascertain the cause of this action, the governor said that the carriages were unsafe, and he was making preparations to celebrate the king's birthday; but while he was indignant at being called to account by the people, he was also alarmed and prevaricated in order to quiet them.

Governor Martin seeks safety

A day or two later an emissary arrived from New York and informed Governor Martin that General Gage was about to send him the arms and munitions desired, and there was reason to suppose that the shipment had been discovered. A report also had been propagated that the governor had formed a design of arming the negroes and proclaiming freedom to those who should resort to the king's standard, and the public mind was much inflamed against him. Indeed, there was then brewing a plot for a negro insurrection in

1775
C. R., IX.
1424, 1429

May, 1775

C. R., IX.
1445

C. R., IX,
1250;
X, 41, 43

The
governor
questioned

Martin,
Hist. of
N. C.
Carolina, II,
353

1775

July, 1775

C. R., X, 94
Negro
insurrection
planned

the region near Tar River. By timely good fortune, on July 7th the plot was discovered.

On the following night the negroes were to rise and murder the whites, moving from plantation to plantation, and then, having embodied, they were to march to the west, where they expected to be received and protected by the inhabitants who were still attached to the king. Companies of light horse scoured the country, and the negroes were speedily suppressed, but apparently not without some of them being killed.

C. R., X, 41

Martin
leaves
New Bern,
May 31, 1775

The purpose was avowed in some of the colonies to seize the royal governors and detain them, and Governor Martin, fearing the discovery of the shipment of arms, especially in connection with his alleged design to arm the negroes, became very apprehensive for his personal safety. The military companies formed at New Bern were a menace, and, separated from the king's forces, he had no friends to protect him. He hurried his private secretary to Ocracoke to stop any vessel bringing in arms, ordering it to proceed to Fort Johnston. The same night he despatched his wife and family to New York, bearing letters to General Gage, and he asked that a royal standard should be furnished him. Being now entirely alone, on the last day of May he locked the palace, left the key with a servant, and took his departure southward. Giving out that he was going to visit Chief Justice Hasell, he took flight for Fort Johnston, where he safely arrived on June 2d. His flight perhaps gave a new impulse to the popular movement, strengthening the hands of Nash, Cogdell, and Gaston; and on June 8th the association was being signed in every part of the county, and the militia were forming into companies and choosing their own officers.

C. R., X, 44

C. R., X, 45
The last
election

Elections were held for assemblymen on June 23d, and a considerable number of inhabitants gathering at New Bern on that occasion, they went to the deserted palace and took possession of the six cannon there, and removed them to the court-house.

CHAPTER XXVI

THE MECKLENBURG RESOLVES, MAY 31, 1775

The Mecklenburg declaration.—Historical statement.—Documents and observations.—Conditions in May.—Mecklenburg aroused.—The great meeting at Charlotte.—Colonel Polk proclaims the resolves.—Independence declared.—The old government annulled.—The leaders in Mecklenburg.—The effect elsewhere.—At Salisbury.—At New Bern.—Bethuna.—Reconciliation still desired.—Apprehensions.—Thomas Jefferson.—The Regulators.—The patriots in the interior.—The clashing in Anson.—New Hanover acts.—Governor Martin's plans.—McDonald arrives.—New Hanover impatient.—Fort Johnston burned.—The Revolution progresses.—Dunn and Boote confined.

In May, 1775, the condition of public affairs was alarming. Boston was occupied by a hostile British army, and "the cause of Boston was felt to be the cause of all." The situation having been discussed by some of the leading citizens of Mecklenburg County, and several local meetings having been held at different points in the county, Colonel Thomas Polk called for the election of two delegates from each of the militia districts of the county "to take into consideration the state of the country, and to adopt such measures as to them seemed best to secure their lives, liberties, and property from the storm which was gathering and had burst on their fellow-citizens to the eastward by a British army" (statement of G. Graham and others). The delegates, having been chosen, met at Charlotte. The news of the battle of Lexington had arrived and the people were much excited (*ibid.*). Resolutions were adopted that were with great formality read by Colonel Polk to a large concourse of citizens, composed of nearly one-half of the men of the county, drawn together by their interest in the occasion (*ibid.*).

The manuscript records of these proceedings appear to have been in the possession of John McKnitt Alexander until the year 1800. In 1794 he sent a copy of them to Dr. Hugh Williamson. In April, 1800, his residence was destroyed by fire and these original records were then burnt.

Subsequently John McKnitt Alexander sought to reproduce the burnt records. Apparently he made some rough notes as a basis for reproduction on a half sheet of paper, which he preserved. Attached to that half sheet, when discovered after his death in 1817, was a

1775

The
Alexander
document of
1800

full sheet in a handwriting unknown to his son, Dr. Joseph McKnitt Alexander, which contained an account of the proceedings in Mecklenburg, including a series of resolutions which has since been known as "The Declaration of May 20th."

His
certificate

In September, 1800, a copy of this "full sheet" was sent by John McKnitt Alexander to General William R. Davie with the following certificate appended to it:

"It may be worthy of notice here to observe that the foregoing statement, though fundamentally correct, yet may not literally correspond with the original record of the transactions of said delegation and Court of Inquiry, as all those records and papers were burned, with the house, on April 6, 1800; but previous to that time of 1800, a full copy of said records, at the request of Dr. Hugh Williamson, then of New York, but formerly a representative in Congress from this State, was forwarded to him by Colonel William Polk, in order that those early transactions might fill their proper place in a history of this State then writing by said Dr. Williams (*sic*) in New York.

"Certified to the best of my recollection and belief this 3d day of September, 1800, by

"J. McK. ALEXANDER,

"Mecklenburg County, N. C."

N. C. Uni.
Mag.,
April, 1853,
175The Davie
copy

This certificate fixes the character of "the full sheet" and of the "Davie copy" to which it was annexed. They were not copies of any record. In like manner, it is to be said of all other copies of the resolutions purporting to have been adopted at Charlotte on May 20th, that they have only this origin and source, and are copies of the Alexander document of 1800.

The remembrance of Mecklenburg's patriotic action was cherished locally, but no contemporaneous publication of the proceedings seems to have been preserved in that county; nor was the copy sent to Dr. Williamson ever published; nor did General Davie give publicity to the paper sent him.

John McKnitt Alexander died on July 10, 1817, and after his death his son, Dr. Joseph McKnitt Alexander, found in his mansion house a bundle of old pamphlets, and with them the "half sheet" and the "full sheet" of manuscripts above mentioned. In 1818 inquiry was made concerning the proceedings in Mecklenburg, and Dr. Joseph McKnitt Alexander sent a copy of the "full sheet" to Hon. William Davidson, then a member of Congress. On the 30th of April, 1819, the following publication appeared in the *Raleigh Register*:

"It is not probably known to many of our readers that the citizens of Mecklenburg County, in this State, made a declaration of

independence more than a year before Congress made theirs. The following document on the subject has lately come to the hands of the editor from unquestionable authority, and is published that it may go down to posterity:

1775

NORTH CAROLINA, MECKLENBURG COUNTY, May 20, 1775.

In the spring of 1775, the leading characters of Mecklenburg County, stimulated by that enthusiastic patriotism which elevates the mind above considerations of individual aggrandizement, and scorning to shelter themselves from the impending storm by submission to lawless power, etc., held several detached meetings, in each of which the individual sentiments were, "that the cause of Boston was the cause of all; that their destinies were indissolubly connected with those of their Eastern fellow-citizens—and that they must either submit to all the impositions which an unprincipled, and to them an unrepresented, parliament might impose—or support their brethren who were doomed to sustain the first shock of that power, which, if successful there, would ultimately overwhelm all in the common calamity." Conformably to these principles, Colonel Adam Alexander, through solicitation, issued an order to each captain's company in the county of Mecklenburg (then comprising the present county of Cabarrus), directing each militia company to elect two persons, and delegate to them ample power to devise ways and means to aid and assist their suffering brethren in Boston, and also generally to adopt measures to extricate themselves from the impending storm, and to secure unimpaired their inalienable rights, privileges and liberties, from the dominant grasp of British imposition and tyranny.

The
Alexander
document of
1800

In conforming to said order, on May 19, 1775, the said delegation met in Charlotte, vested with unlimited powers; at which time official news, by express, arrived of the battle of Lexington on that day of the preceding month. Every delegate felt the value and importance of the prize, and the awful and solemn crisis which had arrived—every bosom swelled with indignation at the malice, inveteracy, and insatiable revenge, developed in the late attack at Lexington. The universal sentiment was: let us not flatter ourselves that popular harangues or resolves, that popular vapor will avert the storm, or vanquish our common enemy—let us deliberate—let us calculate the issue—the probable result; and then let us act with energy, as brethren leagued to preserve our property—our lives—and what is still more endearing, the liberties of America. Abraham Alexander was then elected chairman, and John McKnitt Alexander, clerk. After a free and full discussion of the various objects for which the delegation had been convened, it was unanimously ordained:

1775

1. *Resolved*, That whoever directly or indirectly abetted, or in any way, form, or manner, countenanced the unchartered and dangerous invasion of our rights, as claimed by Great Britain, is an enemy to this country—to America—and to the inherent and inalienable rights of man.

2. *Resolved*, That we, the citizens of Mecklenburg County, do hereby dissolve the political bands which have connected us to the mother country, and hereby absolve ourselves from all allegiance to the British Crown, and abjure all political connection, contract, or association with that nation, who have wantonly trampled on our rights and liberties—and inhumanly shed the innocent blood of American patriots at Lexington.

3. *Resolved*, That we do hereby declare ourselves a free and independent people, are, and of right ought to be, a sovereign and self-governing association, under the control of no power other than that of our God and the general government of the congress; to the maintenance of which independence we solemnly pledge to each other our mutual co-operation, our lives, our fortunes, and our most sacred honor.

4. *Resolved*, That as we now acknowledge the existence and control of no law or legal officer, civil or military, within this county, we do hereby ordain and adopt, as a rule of life, all, each and every of our former laws, wherein, nevertheless, the Crown of Great Britain never can be considered as holding rights, privileges, immunities, or authority therein.

5. *Resolved*, That it is also further decreed, that all, each and every military officer in this county is hereby reinstated to his former command and authority, he acting conformably to these regulations. And that every member present of this delegation shall henceforth be a civil officer, viz., a justice of the peace, in the character of a *committeeman*, to issue process, hear and determine all matters of controversy, according to said adopted laws, and to preserve peace, and union, and harmony, in said county, and to use every exertion to spread the love of country and fire of freedom throughout America, until a more general and organized government be established in this province.

A number of by-laws were also added, merely to protect the association from confusion, and to regulate their general conduct as citizens. After sitting in the court-house all night, neither sleepy, hungry, nor fatigued, and after discussing every paragraph, they were all passed, sanctioned, and declared, *unanimously*, about 2 A.M., May 20th. In a few days, a deputation of said delegation convened, when Captain James Jack, of Charlotte, was deputed as express to the congress at Philadelphia, with a copy of said Resolves

and Proceedings, together with a letter addressed to our three representatives there, viz., Richard Caswell, William Hooper and Joseph Hughes—under express injunction, personally, and through the State representation, to use all possible means to have said proceedings sanctioned and approved by the general congress. On the return of Captain Jack, the delegation learned that their proceedings were individually approved by the members of congress, but that it was deemed premature to lay them before the house. A joint letter from said three members of congress was also received, complimentary of the zeal in the common cause, and recommending perseverance, order and energy.

The subsequent harmony, unanimity, and exertion in the cause of liberty and independence, evidently resulting from these regulations and the continued exertion of said delegation, apparently tranquilized this section of the State, and met with the concurrence and high approbation of the Council of Safety, who held their sessions at New Bern and Wilmington, alternately, and who confirmed the nomination and acts of the delegation in their official capacity.

From this delegation originated the Court of Enquiry of this county, who constituted and held their first session in Charlotte—they then held their meetings regularly at Charlotte, at Colonel James Harris's, and at Colonel Phifer's, alternately, one week at each place. It was a civil court founded on military process. Before this judicature, all suspicious persons were made to appear, who were formally tried and banished, or continued under guard. Its jurisdiction was as unlimited as toryism, and its decrees as final as the confidence and patriotism of the county. Several were arrested and brought before them from Lincoln, Rowan and the adjacent counties.

[The foregoing is a true copy of the papers on the above subject, left in my hands by John McKnitt Alexander, deceased. I find it mentioned on file that the original book was burned April, 1800. That a copy of the proceedings was sent to Hugh Williamson, in New York, then writing a "History of North Carolina," and that a copy was sent to General W. R. Davie. J. McKnitt.]*

Shortly after the publication of this document in the *Register*, in 1819, Colonel William Polk, being interested, obtained certificates from General George Graham, William Hutchison, Jonas Clark, Robert Robinson and others, residents of Mecklenburg, corroborative of its authenticity, and further certifying that within a few days after the adoption of the Resolves Captain Jack went as a messenger to bear them to the Continental Congress.

*Dr. Joseph McKnitt Alexander, son of John McKnitt Alexander, used this signature.

1775

They certified on honor that:

George
Graham
and others

"We were present in the town of Charlotte, in the said county of Mecklenburg, on May 10, 1775, when two persons elected from each a private company in said county appeared as delegates, to take into consideration the state of the country, and to adopt such measures as to them seem best."

The
protracted
meeting

"The order for the election of delegates was given by Colonel Thomas Polk, the commanding officer of the militia of the county, with a request that their powers should be ample, touching any measure that should be proposed. We do further certify and declare that to the best of our recollection and belief, the delegation was complete from every company, and that the meeting took place in the court-house about 12 o'clock on the said day of May 19, 1775, when Abraham Alexander was chosen chairman, and Dr. Ephraim Brevard, secretary. That the delegates continued in session until in the night of that day; that on the 20th they again met, when a committee, under the direction of the delegates, had formed several Resolves, which were read, and which went to declare themselves, and the people of Mecklenburg County, free and independent of the king and Parliament of Great Britain—and from that day thenceforth all allegiance and political relation was absolved between the good people of Mecklenburg and the king of Great Britain: which Declaration was signed by every member of the delegation, under the shouts and huzzas of a very large assembly of the people of the county, who had come to know the issue of the meeting."

The public
meeting

Captain
Jack

On December 7, 1819, Captain Jack made the following affidavit:

"Having seen in the newspapers some pieces respecting the Declaration of Independence by the people of Mecklenburg County, in the State of North Carolina in May, 1775, and being solicited to state what I know of that transaction: I would observe that for sometime previous to and at the time those resolutions were agreed upon, I resided in the town of Charlotte, Mecklenburg County; was privy to a number of meetings of some of the most influential and leading characters of that county on the subject, before the final adoption of the resolutions—and at the time they were adopted: among those who appeared to take the lead may be mentioned Hezekiah Alexander, who generally acted as chairman; John McKnitt Alexander, as secretary; Abraham Alexander, Adam Alexander, Major John Davidson, Major (afterward General) William Davidson, Colonel Thomas Polk, Ezekiel Polk, Dr. Ephraim Brevard, Samuel Martin, Duncan Ochletree, William Willson, Robert Irvin.

"When the Resolutions were finally agreed on, they were publicly

proclaimed from the court house door in the town of Charlotte, and were received with every demonstration of joy by the inhabitants.

1775

"I was then solicited to be the bearer of the proceedings to congress. I set out the following month, say June, and in passing through Salisbury, the general court was sitting. At the request of the court I handed a copy of the Resolutions to Colonel Kennon, an attorney, and they were read aloud in open court. Major William Davidson and Mr. Avery, an attorney, called on me at my lodging the evening after, and observed they had heard of but one person (a Mr. Beard), but approved of them.

"I then proceeded on to Philadelphia and delivered the Mecklenburg Declaration of Independence of May, 1775, to Richard Caswell and William Hooper, the delegates to congress from the State of North Carolina."

Other statements were made by men of the highest character, all confirming the fact that there were proceedings in Mecklenburg in May, 1775, relating to independence, and some giving the details with great particularity.

On January 20, 1820, John Simeson wrote to Colonel William Polk: "I have conversed with many of my old friends and others, and all agree in the point, but few can state the particulars. . . . Yourself, sir, in your eighteenth year and on the spot, your worthy father, the most popular and influential character in the county, and yet you cannot state much from recollection. Your father, as commanding officer of the county, issued orders to the captains to appoint two men from each company to represent them in the committee. It was done. Neill Morrison, John Flennigan, from this company; Charles Alexander, John McKnitt Alexander, Hezekiah Alexander, Abraham Alexander, Esq., John Phifer, David Reese, Adam Alexander, Dickey Barry, John Queary, with others whose names I cannot obtain. As to the names of those who drew up the Declaration, I am inclined to think Dr. Brevard was the principal, from his known talents in composition. It was, however, in substance and form like that great National Act agreed on thirteen months after. Ours was toward the close of May, 1775. In addition to what I have said, the same committee appointed three men to secure all the military stores for the county's use—Thomas Polk, John Phifer, and Joseph Kennedy. I was under arms near the head of the line, near Colonel Polk, and heard him distinctly read a long string of grievances, the Declaration and military order above."*

Simeson

*The accuracy of the memory of this witness, Mr. Simeson, in one particular at least is remarkable. By the last of the resolves of May 31st, Colonel Thomas Polk and Dr. Joseph Kennedy were appointed to purchase ammunition, as the witness recollected after the lapse of forty-five years.

1775

Cummins

Francis Cummins wrote in 1819 to Mr. Macon: "At length, in the same year, 1775, I think—at least positively before July 4, 1776—the males generally of that county met on a certain day at Charlotte, and from the head of the court-house door proclaimed independence on English government, by their herald, Colonel Thomas Polk. I was present and saw and heard it."

Davie copy

In November, 1820, General Davie died, and there was found among his papers a manuscript copy of the proceedings at Charlotte, in the handwriting of John McKnitt Alexander, to which was appended the note above printed to the effect that "the foregoing statement, though fundamentally correct, yet may not literally correspond with the original records, as all those records and papers were burned with the house on April 6, 1800."

This "Davie copy" was then sent to the son, Dr. Joseph McKnitt Alexander, who preserved it. It was the same as the document published in the *Raleigh Register* except some slight verbal differences.

The resolutions thus presented to the public as those adopted at Charlotte in May, 1775, were without hesitation accepted in North Carolina as authentic and genuine. But Mr. Jefferson and Mr. Adams denied their authenticity. Therefore, other affidavits and certificates were procured, and a committee of the General Assembly was appointed "to examine, collate and arrange such documents as relate to the Mecklenburg Declaration of Independence"; and at the session of 1830-31 it reported that "by the publication of these papers it will be fully verified that as early as the month of May, 1775, a portion of the people of North Carolina . . . did by a public and solemn act declare the dissolution of the ties which bound them to the Crown and people of Great Britain, and did establish an independent, though temporary government for their own control and direction." Their report was directed to be published by the State. The original documents found by Dr. Joseph McKnitt (Alexander) were submitted to this committee, passed into the hands of the state authorities for a time, appear to have been returned, but subsequently came into the possession of Governor David L. Swain. They consisted of a torn half-sheet of paper, on which were written some notes in the handwriting of John McKnitt Alexander, being apparently rough first attempts to reproduce statements and resolutions; this half-sheet being stitched to a full sheet (containing substantially the paper published in the *Raleigh Register*, and also furnished to General Davie), which was in an unknown handwriting. These papers were accompanied by a certificate as follows: "The sheet and torn half-sheet to which this is attached (the sheet is evidently corrected in two places by John McKnitt Alexander, as marked on

The State
Pamphlet

Joseph
McKitt
Alexander's
certificate,
Hoyt, 135

it--the half-sheet is in his own handwriting) were found after the death of John McKnitt Alexander in his old mansion-house in the centre of a roll of old pamphlets, viz.: 'an address on public liberty, printed Philadelphia, 1774'; one 'on the disputes with G. Britain, printed 1775'; one 'on State affairs, printed at Hillsboro, 1788'; and 'an address on Federal policy to the citizens of N. C., a 1788'; and the 'Journal of the Provincial Congress of N. C., a held at Halifax, the 4 of April, 1770,' which papers have been in my possession ever since.

1775

"Certified November 25, 1830.

"J. McKNITT."*

Among the certificates then published was one from Samuel Wilson: "I do hereby certify that in May, 1775, a committee or delegation from the different militia companies in this county met in Charlotte, and after consulting together they publicly declared their independence on Great Britain and on her government. This was done before a large collection of people who highly approved of it. I was then and there present and heard it read from the court-house door."

Wilson

John Davidson on October 5, 1830, wrote: "As I am perhaps the only person living who was a member of that convention, and being far advanced in years, and not having my mind frequently directed to that circumstance for some years, I can give you but a very succinct history of that transaction. There were two men chosen from each captain's company to meet in Charlotte to take the subject into consideration. John McKnitt Alexander and myself were chosen from one company; and many other members were there that I now recollect whose names I deem unnecessary to mention. When the members met and were perfectly organized for business, a motion was made to declare ourselves independent of the Crown of Great Britain, which was carried by a large majority. Dr. Ephraim Brevard was then appointed to give us a sketch of the Declaration of Independence, which he did. James Jack was appointed to take it on to the American Congress. . . . When Jack returned he stated that the Declaration was presented to Congress, and the reply was that they highly esteemed the patriotism of the citizens of Mecklenburg, but they thought the measure too premature. I am confident that the Declaration of Independence by the people of Mecklenburg was made public at least twelve months before that of the Congress of the United States."

Davidson

*W. H. Hoyt's work on "The Mecklenburg Declaration of Independence," 1907, where both the notes on the half sheet and the writing on the full sheet are reproduced from the Bancroft manuscripts.

1775
Joseph
Graham

General Joseph Graham wrote October 4, 1830: "Agreeably to your request I will give you the details of the Mecklenburg Declaration of Independence on May 20, 1775, as well as I can recollect after a lapse of fifty-five years. I was then a lad about half grown, was present on that occasion (a looker on).

The public
meeting

"During the winter and spring preceding that event, several popular meetings of the people were held in Charlotte, two of which I attended. Papers were read, grievances stated and public measures discussed. . . . On May 20, 1775, besides the two persons elected from each militia company (usually called committee-men), a much larger number of citizens attended in Charlotte than at any former meeting—perhaps half the men in the county. The news of the battle of Lexington, April 19th preceding, had arrived. There appeared among the people much excitement. The committee were organized in the court-house by appointing Abraham Alexander, Esq., chairman and John McKnitt Alexander, Esq., clerk, or secretary to the meeting. After reading a number of papers as usual, and much animated discussion, the question was taken, and they resolved to declare themselves independent.

Out of
protection

"One among other reasons offered, that the king or ministry had, by proclamation or some edict, declared the colonies out of the protection of the British crown; they ought, therefore, to declare themselves out of his protection and resolve on independence. That their proceedings might be in due form, a sub-committee, consisting of Dr. Ephraim Brevard, a Mr. Kennon, an attorney, and a third person whom I do not recollect, were appointed to draft their declaration. . . . The sub-committee appointed to draft the resolutions returned, and Dr. Ephraim Brevard read their report, as near as I can recollect, in the very words we have since seen them several times in print. It was unanimously adopted, and shortly afterward it was moved and seconded to have proclamation made, and the people collected, that the proceedings be read at the court-house door, in order that all might hear them. It was done and they were received with enthusiasm. It was then proposed by some one aloud, to give three cheers and throw up their hats. It was immediately adopted and the hats thrown. . . ."

The public
meeting

Hunter's
statement

In a memoir of his life Rev. Humphrey Hunter,* who was present at the meeting in Charlotte, being then twenty years of age, and deeply interested, says: "Orders were presently issued by Colonel

*"This memoir is dated in 1827 and appears to be a response to a request made by Dr. Alexander (Joseph McKnitt), and thus loses, in some degree, the authority to which it might otherwise have been entitled had it been a contemporaneous production." (Address of R. M. Saunders, 1852.) Hunter was then seventy-two years of age. He died August 21, 1827.

Thos. Polk to the several militia companies, that two men, selected from each corps, should meet at the court-house on May 19, 1775, in order to consult with each other upon such measures as might be thought best to be pursued. Accordingly on said day a far larger number than two out of each company were present. . . . Then a full, a free, and dispassionate discussion obtained on the various subjects for which the delegation had been convened, and the following resolutions were unanimously adopted: [Resolutions like those published in the *Register*.] . . . Then a select committee was appointed to report on the ensuing day a full and definite statement of grievances, together with a more correct and formal draft of the Declaration of Independence. These proceedings having been thus arranged and somewhat in readiness for promulgation, the delegates then adjourned until to-morrow, at 12 o'clock. May 20th, at 12 o'clock, the delegation, as above, had convened. The select committee were also present and reported agreeably to instructions, viz.: a statement of grievances and formal draft of the Declaration of Independence, written by Ephraim Brevard, chairman of the said committee, and read by him to the delegation. The resolves, by-laws and regulations were read by John McKnitt Alexander. . . . There was not a dissenting voice. Finally, the whole proceedings were read distinctly and audibly at the court-house door, by Colonel Thomas Polk, to a large, respectable and approving assemblage of citizens who were present and gave sanction to the business of the day."

1775
The meeting
house

The public
meeting

The accuracy of the statements made in the manuscripts found by Dr. Joseph McKnitt Alexander was for a generation unquestioned in North Carolina. It was only after the discovery of the contemporaneous publication of other resolutions, adopted at Charlotte on May 31, 1775, of similar import, that any suggestion of inaccuracy arose.

In 1838 a Pennsylvania newspaper of 1775 was found containing several resolutions adopted at Charlotte on May 31, 1775; and in 1847, a copy of the *South Carolina Gazette and Country Journal*, published at Charleston, of the date of June 16, 1775, was found. It contained a full series of resolutions adopted at Charlotte, May 31, 1775. Later other papers were found containing, in part, the same resolutions. No contemporaneous reference to any other resolutions than those of May 31st has ever been discovered.

Resolves of
May 31st
discovered

After the Resolves of May 31st were brought to light in 1847 many persons believed that they were the only ones adopted at Charlotte, while others adhered to their belief in the genuineness of the "Declaration of May 20th." The subject has been ably discussed by some of the most eminent of our citizens. The original

1775

papers, the half sheet in the handwriting of John McKnitt Alexander, the full sheet in the unknown handwriting, the Davie copy with its certificate, and other documents connected with the subject passed into the hands of Governor D. L. Swain, but are now lost.

Recently a copy of the *North Carolina Gazette*, published at New Bern June 10, 1775, was found, containing the Resolves of May 31st, and a transcript of the same Resolves, published in the *Cape Fear Mercury*, probably in the issue of June 23, 1775, sent to England by Governor Josiah Martin, has been found and published. It is to be observed that at the period of the first publication there was no question as to the particular details, and the witnesses gave testimony concerning the general subject that in May, 1775, there were proceedings in Mecklenburg declaring independence.

Some described the public meeting at which the resolutions were proclaimed by Colonel Polk; others did not mention that meeting. The Alexander document of 1800 states that the delegates met on May 19th and continued in session until 2 o'clock on the morning of the 20th, when the resolutions were adopted, and makes no reference to any public meeting. Rev. Humphrey Hunter states that the meeting was on the 19th, and on the 20th there was the public proclamation. General George Graham and several others testify, to the best of their recollection and belief, that the meeting was on the 19th and that there was a public meeting on the 20th. General Joseph Graham says that the delegates met on the 20th and that the resolutions were adopted, and shortly afterward were proclaimed. Other witnesses give an account of the public meeting. Many merely say that the proceedings were in May, 1775.

The evidence shows that there were some meetings of the leading citizens; that Colonel Polk caused the election of two men from each militia district, who met in Charlotte in May; that there was a protracted meeting extending into the night; that the next day the resolutions having been adopted were proclaimed at a large public meeting by Colonel Polk and were received with enthusiasm.

General Joseph Graham says: "One among other reasons offered was that the king or ministry had by proclamation or some edict declared the colonies out of the protection of the British Crown." That idea finds expression in the preamble to the Resolves of May 31st published at the time, and is not referred to in the Alexander document of 1800.

Mr. Simeson says: "In addition to what I have said, the same committee appointed three men to secure all the military stores for the county's use—Thomas Polk, John Phifer and Joseph Kennedy. I was under arms near the head of the line, near Colonel Polk, and heard him distinctly read a long string of grievances, the declara-

Hoyt,
The
Mecklen-
burg Dec. of
Ind., 276

The
Resolves of
May 31st fit
the
description

tion, and military order above." The resolution appointing Colonel Polk and Dr. Joseph Kennedy a committee to get ammunition, as recalled by the witness, is the last of the Resolves of May 31st, and is not a part of the document of 1800. The testimony of General Graham and Mr. Simeson connects the public meeting with the Resolves of May 31st.

These and other circumstances lead to the belief that inasmuch as none of the witnesses speak of two public meetings, at which Colonel Polk proclaimed independence, there was but one such meeting; and the Resolutions which he read were those of May 31st, published on June 13th in Charleston; June 10th in New Bern and June 23d at Wilmington, and in part, in the northern papers. If there was any other public meeting, it is not mentioned by any one. If there were any other Resolutions ever adopted and proclaimed, no copy was preserved.

Governor Swain thus speaks of the Davie copy: "It was not taken from the record; it is not shown to be a copy of a copy, or that there was a copy extant in September, 1800."

The author in seeking to give effect to all statements as far as they can be made to consist, follows those witnesses who state that the delegates convened on the day previous to the public meeting.

He follows those who give an account of the public meeting, and he accepts the contemporaneous publication of the proceedings as fixing the day, and as containing the resolutions, or action taken, that being the only contemporaneous evidence.

Variations in recollection, after the passage of forty or fifty years, may be expected; and no witness, after forty years had passed, would probably undertake to repeat from memory a set of Resolutions of which he had never seen a written copy.

The great leading fact is the public meeting and its incidents, the Resolves adopted and ratified by the people and published to the world as the action of Mecklenburg.

With reference to the difference in dates, it may be observed that Rev. Mr. Hunter, who, when writing his memoirs, appears to have copied from Alexander's document of 1800, putting the meeting on the 19th of May, states that on that memorable day he was twenty years and fourteen days of age; and he also states that he was born on the 14th day of May, 1755. That would seem to make the date the 28th day of May.

If when the Alexander document was being prepared, the date was not ascertained from any record, but was calculated, and the calculation was based on the birthday of a person born previous to 1752, perhaps the eleven days' difference between the Old and New Style may account for Alexander's variation from the true

1775

What the
evidence
proves

The day
not then in
question

1775

date stated in the contemporaneous publications. Some of the witnesses appear to have followed the Alexander document as to the date—a matter then of minor importance.

It is further to be noted that while the Alexander document differs from the published resolutions in language, yet it embraces the same subject matter, and the purpose seems to have been to give an account of the same transaction and event.

The preamble of the resolutions of May 31st, "To provide in some degree for the exigencies of the county in the present alarming period," accords with the purposes of the election of the delegates stated by the witnesses as leading to the meeting.

THE RESOLVES OF MAY 31ST:

(From the *North Carolina Gazette*, June 16, 1775. Published at New Bern.)

CHARLOTTE TOWN, MECKLENBURG COUNTY, May 31st.

The action
taken at the
public
meeting

This day the committee met, and passed the following Resolves:

Whereas, By an address presented to his Majesty by both houses of Parliament in February last, the American colonies are declared to be in a state of actual rebellion, we conceive that all laws and commissions confirmed by, or derived from, the authority of the king or Parliament are annulled and vacated, and the former civil constitution of these colonies for the present wholly suspended. To provide in some degree for the exigencies of this county in the present alarming period, we deem it proper and necessary to pass the following Resolves, viz.:

I. That all commissions, civil and military, heretofore granted by the Crown to be exercised in these colonies, are null and void, and the constitution of each particular colony wholly suspended.

II. That the provincial congress of each province, under the direction of the great continental congress, is invested with all legislative and executive powers within their respective provinces, and that no other legislative or executive power does or can exist at this time in any of these colonies.

III. As all former laws are now suspended in this province, and the congress has not yet provided others, we judge it necessary for the better preservation of good order, to form certain rules and regulations for the internal government of this county, until laws shall be provided for us by the congress.

IV. That the inhabitants of this county do meet on a certain day appointed by this committee, and having formed themselves into nine companies (to wit: eight for the county, and one for the town of Charlotte), do choose a colonel and other military officers, who

shall hold and exercise their several powers by virtue of this choice, and independent of Great Britain, and former constitution of this province.

V. That for the better preservation of the peace and administration of justice, each of those companies do choose from their own body two discreet freeholders, who shall be empowered each by himself, and singly, to decide and determine all matters of controversy arising within the said company, under the sum of twenty shillings, and jointly and together all controversies under the sum of forty shillings, yet so as their decisions may admit of appeal to the convention of the select men of the whole county; and also, that any one of these shall have power to examine and commit to confinement persons accused of petit larceny.

VI. That those two select men, thus chosen, do, jointly and together, choose from the body of their particular company two persons, properly qualified to serve as constables, who may assist them in the execution of their office.

VII. That upon the complaint of any persons to either of these select men, he do issue his warrant, directed to the constable, commanding him to bring the aggressor before him or them to answer the said complaint.

VIII. That these select eighteen select men thus appointed do meet every third Tuesday in January, April, July, and October, at the court-house in Charlotte, to hear and determine all matters of controversy for sums exceeding forty shillings, also appeals; and in cases of felony, to commit the person or persons convicted thereof to close confinement until the provincial congress shall provide and establish laws and modes of proceeding in such cases.

IX. That these eighteen select men, thus convened, do choose a clerk, to record the transactions of the said convention; and that the said clerk, upon the application of any person or persons aggrieved, do issue his warrant to one of the constables to summons and warn the said offender to appear before the convention at their next sitting, to answer the aforesaid complaint.

X. That any person making complaint, upon oath, to the clerk, or any member of the convention, that he has reason to suspect that any person or persons indebted to him in a sum above forty shillings do intend clandestinely to withdraw from the county without paying the debt; the clerk, or such member, shall issue his warrant to the constable, commanding him to take the said person or persons into safe custody, until the next sitting of the convention.

XI. That when a debtor for a sum above forty shillings shall abscond and leave the county, the warrant granted as aforesaid shall extend to any goods or chattels of the said debtor as may be found,

1775

and such goods or chattels be seized and held in custody by the constable for the space of thirty days, in which term, if the debtor fail to return and discharge the debt, the constable shall return the warrant to one of the select men of the company where the goods were found, who shall issue orders to the constable to sell such a part of the said goods as shall amount to the sum due; that when the debt exceeds forty shillings, the return shall be made to the convention, who shall issue the orders for sale.

XII. That receivers and collectors for quit rents, public and county taxes, do pay the same into the hands of the chairman of this committee, to be by them disbursed as the public exigencies may require. And that such receivers and collectors proceed no further in their office until they be approved of by, and have given to this committee good and sufficient security for a faithful return of such moneys when collected.

XIII. That the committee be accountable to the county for the application of all moneys received from such officers.

XIV. That all these officers hold their commissions during the pleasure of their respective constituents.

XV. That this committee will sustain all damages that may ever hereafter accrue to all or any of these officers thus appointed, and thus acting, on account of their obedience and conformity to these Resolves.

XVI. *That whatever person shall hereafter receive a commission from the Crown, or attempt to exercise any such commission heretofore received, shall be deemed an enemy to his country; and upon information being made to the captain of the company where he resides, the said captain shall cause him to be apprehended and conveyed before the two select men of the said company, who, upon proof of the fact, shall commit him the said offender into safe custody, until the next sitting of the convention, who shall deal with him as prudence may direct.*

XVII. That any person refusing to yield obedience to the above Resolves shall be deemed equally criminal, and liable to the same punishment, as the offenders above last mentioned.

XVIII. That these Resolves be in full force and virtue until instructions from the general congress of this province, regulating the jurisprudence of this province, shall provide otherwise, or the legislative body of Great Britain resign its unjust and arbitrary pretensions with respect to America.

XIX. That the several militia companies in this county do provide themselves with proper arms and accoutrements, and hold themselves in constant readiness to execute the commands and directions of the provincial congress, and of this committee.

XX. That this committee do appoint Colonel Thomas Polk and Dr. Joseph Kennedy to purchase 300 pounds of powder, 600 pounds of lead, and 1000 flints; and deposit the same in some safe place hereafter to be appointed by the committee.

1775

Signed by order of the committee.

EPH. BREVARD,

Clerk of the committee.

Extract from Report of Historical Manuscripts Commission, Fourteenth Annual Report, Appendix, part X (1895); Presented to both Houses of Parliament by Command of her Majesty.

(Manuscripts Earl of Dartmouth, vol. II., Amer. Papers, p. 323:)

North Carolina

N. D. (May 31, 1775) resolutions (20) of a committee of the county of Mecklenburg in North Carolina, signed at Charlotte Town, by order of the committee, Ephraim Brevard. Suspending all laws and commissions given by the Crown, and proposing measures to establish a government for the province.

Four folio pages.

Endorsed: In Governor Martin's of June 30, 1775. No. 34.

The copy
sent by
Governor
Martin

W. H. Hoyt, "The Mecklenburg Declaration," at page 276, gives a copy of these Resolves, transmitted by Governor Martin. They are the Resolves of May 31, 1775.

Extracts from the records of Mecklenburg County

April, 1775.
North Carolina,
Mecklenburg County. } At an Inferior Court of Pleas and Quarter Sessions begun and held for the county of Mecklenburg, on the third Tuesday in April, 1775.

Present the Worshipful

Robert Harris,
Hezekiah Alexander, } Esqrs.
Robert Irwin.

July, 1775,
North Carolina,
Mecklenburg County. } At an Inferior Court of Pleas and Quarter Sessions begun and held in the said county, on the third Tuesday in July, 1775.

The king's
justices in
Mecklen-
burg

Present the Worshipful

Robert Harris,
Abraham Alexander, } Esqrs.
Robert Irwin.

1775	October, 1775.	1	Same as above.
	3d Tuesday.	1	
	January, 1776.	1	Same as above.
	3d Tuesday.	1	
	April, 1776.	1	Same as above.
	3d Tuesday.	1	

Conditions in May

At Philadelphia the North Carolina deputies were carried away by the enthusiasm that pervaded the northern colonies. Hooper wrote to Harnett and to Sam Johnston urging the necessity of having a provincial convention immediately after the adjournment of the general congress, and apprehensions were expressed lest North Carolina should delay too long the organization of troops. But even then companies were being formed throughout the province, and in Rowan, Mecklenburg, Tryon and in other counties public action emanated from the militia districts.

Mecklenburg declares independence

Indeed, so far from the people of North Carolina being indifferent or supine, a step forward was now taken in Mecklenburg County that was far in advance of the desires of either Hooper, Hewes, or Caswell, or their associates in congress. It was a declaration of independence. In March and April there had been many meetings of the Committee of Safety in Mecklenburg. The occupation of Boston by a hostile British army was a thorn in the flesh. The inhabitants of that town were suffering from their adherence to the rights of America, and again the cry rang throughout Mecklenburg that the cause of Boston was the cause of all. In May came the exciting news that Parliament in its address to the king had declared the colonies in rebellion, and therefore out of the protection of the law. The leaders felt that a storm was about to burst on the heads of the patriotic people. It was determined to prepare for it. Public meetings were held in various parts of the country, and the prevailing sentiment was found to be one of resolution. After conference, Colonel Thomas Polk, the commanding officer of the county, called for an election of two representatives from each of the nine militia districts of

the county to take into consideration the state of the country and to adopt such measures as seemed necessary to safeguard their liberties. The election was held and amid great excitement the delegates convened at Charlotte, and with them came their friends and neighbors, so that nearly one-half of all the arms-bearing men of the county assembled in that little hamlet. As great as was the occasion, the excitement was largely increased by the arrival of the news of the battle of Lexington, which had swept through the country like a whirlwind, stirring the people to the profoundest depths. To the meeting came all the leading inhabitants, the Polks, Alexanders, Brevards, Davidsons, and all who were leaders in thought and action. They met on the 30th day of May, in the court-house, and Abraham Alexander was called to the chair. A number of papers were read. Stress was laid on the action of Parliament declaring the colonies in rebellion. As they were held to be rebels, the leaders urged that they should renounce their allegiance and declare themselves independent. An objection was made: If we resolve on independence, how shall we be absolved from the oath of allegiance we took after the Regulation battle? With hot indignation the answer came—That allegiance and protection were reciprocal: when protection was withdrawn, allegiance ceased. Independence was resolved on, and a committee composed of Dr. Ephraim Brevard and others was appointed to prepare the resolutions. The discussion continued far into the night, and then the delegates adjourned to reassemble at noon. At twelve o'clock the following day, the delegates again met and the resolutions prepared by Dr. Brevard were read and adopted.

It was resolved that all commissions granted by the Crown were null and void: that no other authority than that of the Continental Congress and the provincial congresses existed in any of the colonies; that military officers should be elected who should hold their offices independent of Great Britain, and an independent local government was provided for.

These bold resolutions having been adopted by the delegates, it was determined that the action taken should be

1775

Statement
of Graham;
Preamble of
ResolvesThe great
meetingStatement
of General
GrahamMay 31st,
WednesdayIndepend-
ence

1775

May

Statements
of Simmeson,
Cummins,
Graham,
Hunter

proclaimed at the court-house door, and be formally announced to the people, who, animated by ardor, patriotism and excitement, had come together in great numbers to participate in the proceedings of the day. Colonel Polk, the leader in the measure, standing on the high steps of the court-house, read the resolutions to the eager crowd; and the people with much enthusiasm approved and endorsed this first assertion of independence. As a manifestation of their approval cheers were given, hats were thrown into the air, and with enthusiastic applause the people ratified the great action taken by the delegates. Mecklenburg thus first gave expression to that spirit of independence which later developed elsewhere, finally leading to a total abandonment of all desire for reconciliation with the mother country.

By these Resolves all laws and commissions emanating from the royal government were annulled, and the former civil constitutions of the colonies were declared wholly suspended; and also it was declared that no other power existed in any of the provinces but the provincial congresses under the direction of the Continental Congress.

The
independent
government

It being decreed that all laws, commissions, and authority were abrogated, there was established a new government to replace the old one. The plan provided that the inhabitants of the county should form themselves into nine military companies, and choose a colonel and other military officers, who should hold their power by virtue of the people's choice, and independent of the Crown and of the former constitution of the province; that each of these companies should appoint two freeholders to exercise judicial functions under the name of "selectmen"; that these eighteen "selectmen" should hold a court for the county, and should meet at Charlotte quarterly for that purpose.

It was further decreed that any person thereafter receiving any commission from the Crown, or attempting to exercise any commission theretofore received, should be deemed an enemy to the country and should be apprehended. All public moneys collected were to be paid to the chairman of the Committee of Safety; the military companies were to hold themselves in readiness to execute the commands of the general congress and of the committee of the county, and

Colonel Thomas Polk and Dr. Joseph Kennedy were directed to purchase a supply of ammunition.

1775

Those who appeared to take the lead in the proceedings resulting in this action, according to the recollection of James Jack, were Hezekiah Alexander, who generally acted as chairman; John McKnitt Alexander, as secretary; Abraham Alexander, Adam Alexander, Major John Davidson, Major William Davidson, Colonel Thomas Polk, Ezekiel Polk, Dr. Ephraim Brevard, Samuel Martin, Duncan Ochletree, William Willson, and Robert Irvin. Others mentioned were Waightstill Avery, William Kennon, William Graham, John Flenniken, James Harris and David Reece.

Statement
of Simeson;
Resolution
XX

The actors

These Resolutions of the people of Mecklenburg completely overthrowing the colonial government and establishing a free and independent government founded on the will of the people, were published on June 16, 1775, at New Bern, in the *North Carolina Gazette*, and on June 13th in the newspaper at Charleston, and in the *Cape Fear Mercury*, published at Wilmington, probably in its issue of June 23d. Their publication produced a profound impression. The action at Mecklenburg, indeed, stirred the hearts of the patriot leaders and awoke enthusiasm in the breasts of their associates throughout the colony, while they aroused the ire of Governor Martin and caused dismay among the adherents of the Crown.

Wright, the royal governor of Georgia, hastened, June 20th, to transmit a copy of the Charleston paper to England, and Governor Martin forwarded the *Cape Fear Mercury*, saying: "I daily see indignantly the sacred majesty of my royal master insulted, . . . his government set at naught . . . and the whole constitution unhinged and prostrate, and I live, alas! ingloriously only to deplore it. The Resolves of the committee of Mecklenburg, which your Lordship will find in the enclosed newspaper, surpass all the horrid and treasonable publications that the inflammatory spirits of this continent have yet produced. . . . A copy of these Resolves, I am informed, were sent off by express to the congress at Philadelphia as soon as they were passed in the committee." And on June 25th, two days after the publication at Wilmington, and as soon as he could convene the

C R. X,
47, 48

1775
C. R., X, 33
June

council at Fort Johnston, he brought to its attention "the late most treasonable publication of a committee in the county of Mecklenburg, explicitly renouncing obedience to his Majesty's government and all lawful authority whatsoever"; and on August 8th, in a proclamation, he said: "I have also seen a most infamous publication in the *Cape Fear Mercury* importing to be resolves of a set of people styling themselves a committee for the county of Mecklenburg most traitorously declaring the entire dissolution of the laws, government, and constitution of this country, and setting up a system of rule and regulation repugnant to the laws and subversive of his Majesty's government."

C. R., X,
144

The Mecklenburg committee, conscious of the important advance they had made, determined to send a messenger post haste with their resolutions to the congress at Philadelphia. James Jack, young and vigorous, and a determined patriot, undertook the task. At Salisbury, on Thursday, June 1st, Colonel Alexander Martin, who had been appointed by Governor Martin a judge under the temporary act creating courts of oyer and terminer, opened a term of his court.* Colonel Martin was a deputy from Guilford to the second provincial convention, which had recently adjourned, was an earnest patriot, and, together with the other delegates, had signed the association of the Continental Congress. On the same day the Committee of Safety of Rowan also met at Salisbury. Rowan differed from Mecklenburg, as a much larger proportion of its inhabitants had been Regulators and were bound by the oath imposed by Governor Tryon, and the Rowan committee sought by moderate resolutions to

C. R., X,
1-11

*The charge of Judge Alexander Martin at this term of the court has been preserved (the *South Carolina Gazette and Country Journal* of July 11, 1775). In it he extolled the right of trial by jury, "which our glorious ancestors waded through seas of blood to obtain, and compelled even majesty to ratify by that sacred paladium of British liberties, the Grand Charter. This, with other peculiar rights and privileges, the sovereigns of Britain through a long series of ages have plighted their faith by a most solemn oath to maintain; and for this kingly protection the subject has bound himself by as solemn a tie to hold allegiance and obedience to them so long as they shall continue to hold forth, secure and defend these choice, incalculable blessings to their people; this is that great, that reciprocal union between the king and the people." The judge inveighed against popish recusants. "Let me dismiss you, then, gentlemen," he said, "with this serious injunction: to support and defend, as far

induce the co-operation of those not inclined to adhere to the cause of the colonies. The committee, not yet having information of any proceedings at Charlotte, wrote an elaborate address to the committee of Mecklenburg requesting an account of their proceedings, promising a like return on their part, and beseeching them by the ties of their common Protestant religion to exert themselves for the maintenance of their chartered rights. But before the court had ended, and it adjourned on Tuesday, June 6th, Captain Jack reached Salisbury on his way to Philadelphia. At the request of the court, he handed a copy of the Resolutions to Colonel Kennon, and they were read aloud in open court. That evening Major William Davidson and Waightstill Avery called at the lodgings of Captain Jack and informed him that they had heard of but one person, Mr. Beard, a prominent attorney and a cautious man, who did not approve of them. Captain Jack proceeded to Philadelphia and delivered the Resolutions to Caswell and Hooper, North Carolina delegates in congress.

1775
June 1st,
C. R., X, 11

Captain
Jack's
statement

On the publication of the Resolves at New Bern, Richard Cogdell, the chairman of the Committee of Safety, forwarded the newspaper to Caswell, at Philadelphia, saying: "You will observe the Mecklenburg Resolves exceed all other committees or the congress itself." About a week later, on June 27th, Samuel Johnston, on whom rested the mantle of the lamented Harvey, wrote to Joseph Hewes, at Philadelphia: "Tom Polk, too, is raising a very pretty spirit in the back country (see the newspapers). He has gone a little farther than I would choose to have gone, but perhaps no farther than necessary." That it was generally understood that these Resolves constituted a declaration of independence, while establishing a new government, is evident from the records of the Moravian Church at Bethania of events occurring during the year 1775. "I cannot but remark at

Letters at
Hayes

as in you lies, the constitution and the laws of your country, the just prerogatives of the Crown and the declared rights of the people. This is liberty, this is loyalty: do you thus, loyal gentlemen, and you will be free." The address, while asserting loyalty, touched on those points that were particularly a cause of excitement among the Presbyterians of the west, and gave prominence to the idea of a reciprocal union between the king and the people, which if broken on one side, freed the other from allegiance.

1775

Meravian
annalist

the end of the 1775th year," wrote the annalist, "during the summer of this year, that in the month of May or June the county of Mecklenburg, in North Carolina, declared itself free and independent of England, and made such arrangements for the administration of justice, which proceeding the Continental Congress at this time considered premature. afterward, however, the Continental Congress later extended same over the whole country."*

The Mecklenburg Resolves carried to Philadelphia were not officially brought to the attention of congress, and no reference was made to them in the proceedings of that body.† The congress was not prepared for the step taken. As yet the government of king and Parliament was recognized as lawfully subsisting, and congress, the provincial assemblies and conventions were still protesting in solemn form unswerving allegiance, as faithful subjects, to their king and country.

The avowed purpose was still complete reconciliation; and this was not yet a forlorn hope, for America was not without friends in England. As congress saw it on one side stood the deceived monarch, his irate "ministers of state, the profligate part of the nobility, and the corrupt majority of the House of Commons; these drag an army to blow up the blaze of civil war." On the other, a prince of the blood, the most illustrious among the nobility, the most eloquent and virtuous commoners, the city of London and the body of the English nation—these being the affectionate friends of America and of liberty. Distinguished officers retired from the army rather than lift a hand to crush liberty in America, saying the result must needs be the destruction

In England

C. R., X, 57

*Translation from the diary of Bethany Church, written in German, furnished the author by Rev. J. H. Clewell, principal of Salem Female Academy. The statement made, that the Continental Congress extended same over the whole country, must have reference to the establishment of local government by committees independent of the Crown, unless the annalist wrote after 1776. Miss Fries, of Salem, who has investigated the subject, asserts that he wrote in 1782.

†Although the newspapers at Philadelphia were strongly for the Whigs, they did not reproduce the Mecklenburg resolves from the Carolina newspapers, while other papers at the north did. This leads to the belief that Congress sought their suppression as being out of harmony with its purposes. (Hoyt's "The Mecklenburg Declaration," 80.)

of liberty in Britain and the establishment of tyranny and despotism on the ruins of the British constitution. The mayor and aldermen of London presented a remonstrance to the king, expressing their abhorrence of the measures being pursued to the oppression of their fellow-subjects in America; but his Majesty rolled under his tongue the word "rebellion"—for the Parliament had declared that the colonies were in a state of rebellion—and the royal purpose was to crush them into submission.

Yet congress still hoped by the aid of friends in England to secure a restoration of former conditions with a recognition of the traditional rights of the American colonies. On July 8th, after a dutiful address to his Majesty, reasserting their allegiance, congress issued an address to the inhabitants of Great Britain: "We are accused of aiming at independence. . . . Give us leave most solemnly to assure you that we have not yet lost sight of the object we have ever had in view—a reconciliation with you on constitutional principles. . . . We have . . . again presented a humble and dutiful petition to our sovereign, and, to remove every imputation of obstinacy, have requested his Majesty to direct some mode by which the united applications of his faithful colonists may be improved into a happy and permanent reconciliation."

Reconciliation hoped for, July 8th

C. R., X,
75-83

The voice of Mecklenburg was thus out of harmony with the solemn declarations of congress, and no notice was taken of that first advance into the realm of independence—the annulling of the old constitution and of colonial laws and the ordaining of an independent government by the people themselves as the only source of power and sovereignty.

But while congress hoped for peace, it was to be on terms satisfactory to America. To wring concessions from the imperious ministry, a bold and defiant front was necessary.

Apprehensions

The North Carolina delegates in congress, fearing that the people at home were too supine, on June 19th united in a stirring address, which they sent to the committees of all the counties: "We conjure you by the ties of religion, virtue, and love of country to follow the example of your sister colonies and form yourselves into a militia. The election of the officers . . . must depend on yourselves. Study

C. R., X, 20

1775

June
A continen-
tal army
formed

the art of military with the utmost attention: view it as a science upon which your future security depends."

Daily it became more and more evident that the contest was to be decided on the battlefield. The men in arms at Boston were local minute men, drawn together from the adjoining provinces, commanded by their local officers. On June 15th congress made a great step forward, and adopted that army and placed it on a continental footing. Washington was chosen commander-in-chief. On the 20th he received his commission, and the next day he departed from Philadelphia for the seat of war. But while all eyes were centred on Boston, congress, in view of Governor Martin's activity, became apprehensive for the safety of North Carolina, and, like the delegates, urged the people to embody as militia under proper officers: and on June 26th it resolved that if the provincial convention should think it necessary, it might raise a thousand men in North Carolina, and congress would consider that force a part of the American army, and take it into the pay of the continent.

Thomas Jefferson

On June 21, 1775, while Captain Jack was still lingering at Philadelphia, after presenting the Mecklenburg Resolves declaring independence and establishing an independent government for that community, Thomas Jefferson, a newly appointed delegate from Virginia, arrived and for the first time took his seat in the Continental Congress. He had just achieved fame as the author of the Virginia resolutions rejecting the conciliatory proposition of Lord North. The ink was hardly dry with which he had penned his earnest appeal "to the even-handed justice of that Being who doth no wrong, that we may again see reunited the blessings of liberty and prosperity and the most permanent harmony with Great Britain." Like John Adams, Hancock, and all the other members of the congress, Jefferson was expecting to remain a British subject, and desired the "most permanent harmony with Great Britain": and if he then heard of the Mecklenburg Resolves, if he then knew of the mission of Captain Jack to the congress, his thoughts were so far out of harmony with the proceedings at Mecklenburg that he

dismissed them from his mind and forgot them: he and his associates were not yet in favor of such revolutionary action.*

1775

The Regulators

Toward the end of June Caswell set off from Philadelphia to attend the convention, which was to convene on July 12th. After his departure congress received copies of General Gage's letter to Governor Martin, promising to send forward ammunition, and of Governor Martin's letter asking for a king's standard, and Hooper and Hewes became still more alarmed because of the situation in North Carolina. The reliance of Governor Martin was not only on the cooperation of the Highlanders, but on expected aid from the Regulators in the interior. From Dan River to the South Carolina line, from the forks of the Yadkin to the Haw and the Deep, there were thousands of inhabitants who had never been pardoned and who still called themselves "an unhappy people," subject to the penalties of their former insurrection. It seemed necessary to remove their grounds of apprehension—to place before them considerations why they should assist in maintaining the rights of the people as British subjects, and to assure them that the movement was not a rebellion with the object of seeking independence. To accomplish this purpose, Hooper and Hewes enlisted the aid of the Presbyterian ministers at Philadelphia and also of the German Lutherans and Calvinists. The Presbyterian ministers joined in an address to the Presbyterian congregations in North Carolina, declaring that "there was no desire to separate from the parent state. Believe no man that dares to say that we desire to be independent of our mother country."

C. R., IX,
1161, 1225C. R., X,
86, 227
July, 1775

*In the correspondence of Adams and Jefferson in 1819 referring to the Mecklenburg declaration both say in substance: "Would not every advocate of independence have rung the glories of Mecklenburg in North Carolina in the ears of the doubting Dickensons who hung so heavily on us?" They evidently had in mind a subsequent period—when they themselves were advocating independence; not the summer of 1775, when they were still seeking reconciliation with the mother country. The Mecklenburg Resolves appear to have been suppressed in Philadelphia, not being admitted to publication there, while published in whole or in part by papers at other points at the north.

1775

August

At the west

C. R., X,
134, 135, 139C. R., X,
161

The advices from Philadelphia and the efforts made to reconcile the disaffected element in the interior of the province and to bring them to a support of the common cause were calculated to arrest for a time the influences that attended the action at Charlotte. The pendulum swung backward.* Allegiance was not disavowed, although the people prepared for war. Court proceedings continued to be held in the name of the king, and notwithstanding on August 1st the Rowan committee resolved "that one thousand volunteers be immediately embodied in this county, elect their staff officers and be ready at the shortest notice to march out to action," and an earnest address was issued calling on the people to "rouse like one man in defence of our religion from popery, our liberty from slavery, and our lives from tormenting death," yet on the same day the inferior court of Rowan County met and "his majesty's commission of the peace was publicly read," and John Oliphant, W. T. Coles, and William McBride, Esqs., took the oaths prescribed by law, and proceeded to business; and Waightstill Avery, Esq., was appointed attorney for the Crown in the absence of John Dunn, Esq., deputy attorney. Farther to the west, however, the profession of loyalty was conditional. The committee of Tryon County, at its meeting on August 14th, adopted an association, which was also to be signed by the other inhabitants of that county, "uniting under the most sacred ties of religion, honor, and love of country, and engaging to take up arms and risk our lives and fortunes in maintaining the freedom of our country," and arranged to obtain powder and ball for the companies of that county; but resolving unanimously "that we will continue to profess all loyalty and attachment to our sovereign lord, King George III, his crown and dignity, so

*In Mecklenburg the inferior court of pleas and quarter sessions continued to be held by the magistrates theretofore appointed by Governor Martin, meeting on the third Tuesday in July, 1775, and the third Tuesday in October, and so on quarterly, the record showing as "present the Worshipful Robert Harris, Abraham Alexander, Robert Irwin, Esqrs.," the proceedings continuing regularly from April, 1775, till July, 1776, without interruption. On one occasion, however, an acting magistrate was taken from the Bench and sent to prison by order of the chairman of the committee.—Simeson's Statement.

long as he secures to us those rights and liberties which the principles of our constitution require."

July

1775

Pitt County

C. R., X, 61

Elsewhere the action was not different—protesting loyalty, but getting ready a supply of powder and ball. On July 1st the committee of Pitt County resolved that, "We will pay all due allegiance to his Majesty, King George III; . . . at the same time, we are determined to assert our rights, . . . and that, under God, the preservation of them depends on a firm union of the inhabitants and a sturdy, spirited observation of the resolutions of the general congress." "We do hereby agree and associate under all ties of religion, honor, and regard for posterity." And the captains of the different companies were directed to call their men together to choose officers.

The clashing in Anson

Anson
CountyC. R., X,
125-128

In Anson, where there had been many Regulators, Colonel James Cotton, the lieutenant-colonel of the county, remained loyal to the government, and the people were much divided. Under his influence the Loyalists signed a protest against the proceedings of the Continental Congress, but the Committee of Safety and their friends were zealous. On May 25th they began to seize some of the leading men among the disaffected, confining them as prisoners and endeavoring to persuade them to abandon their allegiance. Early in June Colonel Spencer was urging the people to sign the association, saying that the king had broken his coronation oath, and the people were absolved by his example. On the second Tuesday of July about thirty of the committee met at the court-house and elected Colonel Spencer captain-general, and Thomas Wade and David Love and others were chosen captains of their companies. Both sides were active, Colonel Cotton ordering out the militia companies under the officers who remained loyal, and maintaining communication with Governor Martin, and, on July 7th, sending him a petition signed by many of the inhabitants; while, on the other hand, there were great meetings of the people who stood by the Continental Congress, and large numbers enlisted on the side of liberty.

In Surry County the committee, as a prelude to their pro-

C. R., X,
228

1775

ceedings, indited the legend on their record-book, "Liberty or death. God save the king!"

June
On the Cape
Fear

After the arrival of Governor Martin at Fort Johnston, that point became still more of a storm centre. The situation rapidly developed excitement and resolution. Captain Collett, in command of the fort, was inciting negroes to leave their masters and take refuge within his lines. He seized corn and other supplies, and, inflamed by his conduct, the people began to subscribe association papers, preparing for action. On June 16th the governor issued his proclamation, warning every one that by such conduct they would expose themselves not only to the forfeiture of their lands and properties, but to the loss of life and everything they held dear and valuable. Three days after this proclamation, on June 19th, the inhabitants of New Hanover, by an association paper, "united themselves under every tie of religion and honor to go forth and be ready to sacrifice their lives and fortunes to secure the freedom and safety of their country."

C. R., X, 16

C. R., X,
25, 26

The Asso-
ciation

And the next day, June 20th, committeemen of Duplin, Onslow, Bladen, Brunswick, and New Hanover assembled in general meeting. They adopted the New Hanover association, which they directed to be printed, with a recommendation to the inhabitants of the district to sign it as speedily as possible. It was signed in Cumberland by Robert Rowan and his associates, and doubtless by the other patriots of the district. A committee composed of Howe, MacLaine, and Sam Ashe was appointed to answer the governor's proclamation. In the answer they declared that the resolution respecting America introduced by Lord North favoring North Carolina and New York, which Governor Martin had commended, added insult to the injury it intended; that by it it was hoped to divide the colonies, and, by breaking one link in their chain of union, render their subjugation more easy; that it was a base, flagitious, wicked attempt to entrap America into slavery, which ought to be rejected with the contempt it deserved; and it was a duty that the people owed to themselves, their country, and posterity by every effort, and at every risk, to maintain, support, and defend their liberties against any invasion or encroachment whatsoever. On the 25th Gov-

C. R., X, 26

C. R., X, 29

C. R., X,
24-26

ernor Martin brought these matters to the attention of the council, and it was agreed to strengthen the fort, and also to prorogue the Assembly, that had been called to meet on July 12th, until September.

C. R., X.
38-40

In May he had informed the king that fourteen hundred or fifteen hundred persons in the interior had signed declarations in favor of the government, and now he wrote that he could collect among the Highlanders three thousand effective men, and still more in the interior counties, where, he declared, "the people are in general well affected and much attached to me—at least two-thirds of the fighting men of the whole country, which may be computed, according to my best information, to exceed thirty thousand." With such views, he projected, after being furnished with ten thousand stands of arms by General Gage, raising the king's standard and forming an army for the subjugation of the province. He recommended Allan McDonald, the husband of Flora, for an appointment, and Alexander McLeod, of the marines, and Lieutenant Alexander McLean, also a half-pay officer, and other influential Highlanders for appointments. For himself he begged the restoration of the rank he held in the army in 1769, asking permission to command a regiment of Highlanders. Expecting to take the field, he again wrote for a king's standard and also for a tent and camp equipage for his own use. His hope of a military commission was, however, disappointed, for the king had arranged differently. Determined to follow the governor's recommendation to embody a force of Highlanders, the king directed that they should be under the command of Lieutenant-Colonel Alexander McLean; but about the middle of July General McDonald and Major McLeod, bearing secret commissions, arrived at Ocracoke from New York and proceeded to New Bern. Johnston, learning of their arrival, instructed the committee at New Bern to secure them, but they took an oath satisfactory to the inhabitants and were allowed to proceed to the interior.

C. R., IX.
1250; X.
45, 46

C. R., X.
46, 47

C. R., IX.
1174

C. R., X.
117

Emissaries were continually passing from the Loyalists to the fort, which was being strengthened by new works, so as to make its capture difficult. Under these circumstances the people of the Cape Fear clamored for a new convention;

1775

and the committee wrote to Johnston that "some enterprising men wished to make an effort to take the fort, but were afraid of having their conduct disavowed by the convention."

July

C. R., X, 92

The committee thought that a number of men should be raised and kept in pay for the defence of the country, and that a convention alone could do that.

C. R., IX,
1285
Johnston
calls the
convention

On May 31st, Howe, Harnett, and Ashe, knowing of the death of Colonel Harvey, wrote urging Johnston to convene a convention as soon as possible, and in this request the New Bern committee concurred. But the Assembly was expected to meet on July 12th, and Johnston deemed it best to wait. When the Assembly was prorogued, he delayed no longer, and on July 10th issued a call for a convention to be held at Hillsboro on August 20th; and he recommended a larger representation of the people, not less than five, so that each county elected at least five deputies, and the inequality of representation which had so long been a matter of variance between the old and the new counties came to an end. Elections were held for the convention, but the committee at Wilmington could not wait for the body to assemble. They concluded that Captain Collett should not be suffered to remain in the fort, and communicated that opinion to the officers and committees of the neighboring counties. A great many volunteers immediately collected. On July 15th Colonel Robert Howe set out with a detachment for Fort Johnston, and the committee resolved that as many men as would voluntarily turn out should be despatched to join them, and that the officers of the several companies in New Hanover should immediately equip those willing to go on that service. On the 16th Colonel Ashe, in command, sailed from Wilmington.

C. R., X,
114

C. R., X, 93

Martin
retires to the
Cruizer

Rumors of this intended movement led Captain Collett hastily to evacuate the fort, the governor himself taking refuge on the sloop-of-war *Cruizer*, and he directed the stores, small arms and ammunition to be transferred to a transport that lay in the harbor, the heavy guns to be dismounted and the fort dismantled. On the same day Colonel Ashe, in the name of the people, addressed a letter to Governor Martin, informing him of the purpose to carry the cannon away from the fort. But Ashe also had another

C. R., X,
97, 102, 108,
132

purpose. The design to seize the arms and munitions at the fort being defeated by the quick action of Governor Martin, it was in contemplation by the use of fire-rafts to drive the *Cruiser* and the transport from the river, or burn them, and preparations were made to that end; but that design was eventually abandoned.

1775

July

The New Hanover detachment joining Howe at Brunswick, the entire force, amounting to some five hundred men, proceeded to Fort Johnston, and on the night of July 18th took possession of the fort, to which Ashe set fire, burning it so far as it was destructible; and the next day he burned the dwelling and outhouses belonging to Captain Collett, who was so obnoxious because of his conduct, especially his efforts to entice the negroes from their masters. The ring-leaders of this savage and audacious mob, wrote Martin, were Ashe and Harnett.

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On the return of the men from the fort, they were met by a detachment of some three hundred volunteers from Bladen, who had turned out at a minute's warning. There was no hesitation. All were equally resolved. But the movement was hasty, and the fort speedily destroyed. Such was the first positive act in the way of military operations in the drama of the Revolution in North Carolina. The flames of Fort Johnston cast a lurid light throughout the province, and another impulse was given to popular action. From that date Governor Martin, expelled from the soil of the province, remained on shipboard. From his vessel he beheld with varying hopes and fears the progress of the Revolution. The action of Mecklenburg greatly disturbed him. How far would the example be followed by other counties in annulling British authority and establishing an independent government? He was anxious to hear from the interior, from the back country, where he hoped for so much aid, and where he supposed the people were attached to himself personally. He was disheartened by advices that the "people of Bladen were pursuing the example of Mecklenburg," and that in the seacoast counties the people had chosen military officers, and were frequently assembling in arms. But a considerable body of Germans, settled in Mecklenburg, gave him comfort by sending a loyal declara-

The
Revolution
progressesC. R., X,
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C. R., X,

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July

tion "against the very extraordinary and traitorous resolves of the committee of that county." And the news from Anson was encouraging. There the clashing among the people was, even at that early date, so violent and bitter as to be incipient civil war, and Colonel Cotton continued to send assurances of the steadfast devotion of a large number of Loyalists.

From his first arrival at the fort, Governor Martin contrived to maintain some correspondence with the loyal element in the interior, and it being apprehended that he was organizing the Highlanders, the Wilmington committee early forbade any intercourse with him except by their permission. On July 3d, it being reported that Allan McDonald intended to raise troops to support the government, the committee addressed him on that subject, requiring him to desist; and Joseph Hewes wrote emphatically on July 8th: "If the governor attempts to do anything he ought to be seized and sent out of the colony: so should" Judge Howard.

C. R., X, 86

Communications had been addressed by the governor to staunch friends in the interior to enroll loyal adherents and to sign association papers. Letters of that tenor had been received by John Dunn and Benjamin Booth Boote, two influential Loyalists at Salisbury. On July 18th they were put under guard by the Rowan committee, were examined, arrested, and, under the orders of Colonel Alexander Martin (then judge), Adlai Osborn, Colonel Spencer and Colonel Polk, they were, at the close of July, conveyed by a detachment of light horse to South Carolina, where they were confined by the South Carolina authorities. A year later, while they were on parole, Boote took the oath as a supporter of the American cause, and Dunn became a good patriot. But in 1780 Boote joined Cornwallis's forces on the invasion of South Carolina.

Dunn and
BooteC. R., X,
93, 136, 134,
306, 673-679

At the time of the arrest of these men, August 1st, the Rowan committee ordered that one thousand volunteers be immediately embodied in that county, elect their staff officers and be ready at the shortest notice to march out to action. In Anson the zeal of Colonel Spencer, Wade and their associates was irresistible, and Colonel Cotton and his loyal militia were overpowered. Disheartened at the turn of

C. R., X,

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affairs, Cotton, with several of his most devoted friends, set out to report to the governor, and reached the *Cruizer* on August 13th, bearing evil tidings of their discomfiture. On their attempted return they were apprehended by the vigilant committeemen in Bladen, and subsequently, under stress of circumstances, took the test oath and submitted themselves to the authority of the congress.

At the end of July, it being learned that the governor himself intended going into the back country, the Wilmington committee advised the committees of the different counties of his design, and requested them to keep a strict lookout and arrest him. The unremitting activity of the patriots, however, rendered such a movement too hazardous; but still it was the cherished purpose of Governor Martin to penetrate into the interior and marshal the Loyalists, and, confident of his military prowess, try conclusions with the rebels.

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The
governor to
be arrested

C. R., X,
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CHAPTER XXVII

THE PROVINCIAL COUNCIL, 1775-76.

The spirit of resistance.—Martin's proclamation.—The Congress.—The leaders.—The conditions.—The people divided.—Efforts to gain the Regulators.—Proceedings of Congress.—Franklin's confederation.—Independence not the object.—The first battalions.—The minute men.—County courts.—The test.—The money of the Revolution.—To provide necessaries.—Congress adjourns.—Enlistment of troops.—The safety of Wilmington.—The plan of subjugation.—Arrival of Highlanders.—Provincial council.—Tories and whigs.—The Indians plotted.—The Scovelites.—The Snow Campaign.—Howe marches against Dunmore.—Norfolk destroyed.—Armed vessels built.—The ministerial troops.—In England.

The spirit of resistance

1775

August, 1775

In the meantime the spirit of resistance was nourished by men like Hewes, who declared that "the powers of government must soon be taken into the hands of the people." "The administration," said he, "has even tried to let loose the Indians on our frontier, to raise the negroes against us. . . . and have sent a formidable army to cut our throats, and then abuse us with the names of rebels and cowards." "I consider myself now over head and ears in what the ministry call rebellion. I feel no compunction for the part I have taken, nor for the number of our enemies lately slain in the battle at Bunker's Hill. I wish to be in the camp before Boston, though I fear I shall not be able to get there till next campaign."

C. R., X, 87

Martin's proclamation

C. R., X,
145-150

On August 8th Governor Martin issued a manifesto denouncing the leaders of the sedition and treason, and warning the people against being seduced to their purposes. Particularly were Hooper, Hewes and Caswell, John Ashe and Robert Howe singled out for denunciation. His chief design was to appeal to the people to remain loyal. He

realized that the approaching convention was to be held at Hillsboro with the view of influencing the inhabitants of the interior, and this effect he sought to counteract by skillfully playing on the fears and hopes of the people. He dwelt on the faithful loyalty of those in the western counties, who had theretofore "resisted all the black artifices of falsehood, sedition, and treason," and who, upon his representation, had "received the king's most gracious approbation and acceptance." Particularly he mentioned those in "Dobbs, Cumberland, Anson, Orange, Guilford, Chatham, Rowan, and Surry," who he declared had given him more "especial and public testimonials of their loyalty, fidelity, and duty"; but he tendered to all his Majesty's most gracious pardon on their return to their duty to their king; and he offered ample reward and encouragement to any who should deliver up to him the few principal persons who had seduced them to treasonable outrages.

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August

C. R., X, 116

The Provincial Congress*

Indeed, the efforts of the two contending parties were now anxiously directed to obtaining popular support. Samuel Johnston had counted on the influence the convention might exert, and to popularize that body he had urged the elec-

*The names Convention and Congress are often applied indifferently to these bodies. It is to be observed that those of August, 1774, and April, 1775, called themselves conventions and were presided over by a moderator. That of September, 1775, called itself a congress and elected a president. The first two claimed to be lawful meetings of the people, assembled for a legal purpose under the constitution. The object then was to remonstrate against an infringement of constitutional rights. By September, 1775, the character of these bodies was changed. They were not mere lawful meetings of the people to remonstrate. They were revolutionary bodies, ordaining government and exercising administrative and legislative powers. Perhaps they took the name of congress to conform to a new American system—making a difference between the former government and that then established. The authority of the British Government was no longer respected—that of the Continental Congress had taken its place. The people no longer claimed to be acting under the constitution of the British Empire.

The Congress differed from the Convention in the manner of voting. In the Convention the members voted as in the Assembly, each casting a vote. In the Congress the counties voted, each county having a single vote, without regard to the number of deputies in attendance. In the Continental Congress each colony had one vote; in the Provincial Congress each county had a vote, and in the Provincial Council each district had a vote.

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C. R., X.
1775
August

tion of an increased delegation from each county, the number not being limited. Bertie had sent eleven delegates, Chatham ten, Dobbs, Wake, Rowan, Guilford, seven each; Mecklenburg, Tryon, Bute, New Hanover, six each; and the other counties five; the entire membership numbering one hundred and eighty-four. This enlarged representation resulted in the attendance of many men of the first capacity, who had not theretofore been employed in legislative business.

Sunday, August 20th, opened with the straggling hamlet of Hillsboro aglow with unusual excitement. Several stores, an insufficient court room, a dozen widely separated residences, a church building and a small inn for the wayfaring traveller constituted the village, where now were assembling the representatives of the people. At noon those members who had arrived assembled in the church, but immediately adjourned until the next day. On Monday, the 21st, at ten o'clock, one hundred and eighty-four delegates answered to their names, and Richard Caswell, just from the Continental Congress, proposed Samuel Johnston for president of the body, and Rev. George Micklejohn opened the congress with prayer.

Events had moved rapidly since the last convention in April—the battles of Lexington and Bunker Hill, the destruction of Charlestown, the formation of independent companies, the organization of a continental army, the proceedings at Charlotte, the flight of the governor, the burning of Fort Johnston, and the expulsion of the royal governor from the soil of the province, and the cessation of the provincial legislature. The established government had ceased to exist. And so the convention was confronted with new conditions. No light was shed upon the pathway by past experience, but with resolution the members addressed themselves to the great questions presented for their consideration. It was the largest meeting of representative Carolinians that had ever assembled. The last convention was composed of but sixty-seven members; this was near three times as numerous. The two previous revolutionary bodies had been called conventions; this now assumed the name of the Provincial Congress. The others had not entered on legislative action; this pro-

posed to make laws to bind the people under the sanction of legitimate power, and to exert the authority of established government. 1775
August

The leaders

Although the thirteen counties that might be allotted to the west sent some seventy deputies, the preponderance was still with the east, and the vote was taken by counties. But Person and Penn, the Martins, Polk, Avery and Spencer, John McKnitt Alexander, Moses Winslow, Kennon and Sharpe, Burke, the Williamses, Armstrong and Winston were strong and mighty leaders, speaking the patriotic sentiments of the west. The northern counties and the eastern, as well as the Cape Fear section, also sent their most trusted and experienced men. Such a gathering of great North Carolinians, forceful and determined, had never before assembled to take counsel of their liberties. Although the venerated form of John Harvey was missed, there were Sam Johnston, the younger Harveys, the Nashes, Caswell, Howe, Hewes, Harnett, Hooper, the Joneses, the Moores, the Ashes, the Sumners, Kenan, Owen, Robeson, Guion, Bryan, Lamb, Jarvis; and, indeed, all the giants of that generation gathered there to secure and maintain the freedom of their country. The future, full of personal peril, was veiled in obscurity, but their hearts were brave, their course determined, and they had at least some light from the assembled wisdom of the Continental Congress.

The conditions

As yet hope of reconciliation was still entertained, and they were to make a last appeal for their rights as British subjects, professing allegiance and disclaiming any desire for separation.

But war was flagrant, and every preparation was to be made for the inevitable conflict. Proclaimed rebels and traitors seeking independence, they were to organize resistance to internal and external foes, while still asserting that they sought only those chartered rights they had inherited from their fathers as subjects of Great Britain. The old government having passed away, its head a fugitive, and the Assembly suspended, the congress was to ordain some gov-

1775

August

ernment to preserve peace and order, to administer justice and to conduct military operations.

The people were divided. Large bodies not conversant with the causes of the revolt, strangers to the hopes and fears of America, not in sympathy with North Carolina, had but recently located in her borders, while many thousands of the older inhabitants held aloof, not comprehending that their liberties had been invaded and that the hour had struck to resist British aggression. It was the computation of Governor Martin that two-thirds of the inhabitants were yet loyal and would rally to the standard of the king. To sever these ties it was the part of Congress to demonstrate the impotency of the British Government and to manifest contempt for the power and authority of its chief representative. Among their first actions, therefore, was to denounce Governor Martin's recent proclamation and to order "that the said paper be burned by the common hangman."

C. R., X, 180

In like manner, to counteract the blandishments and the threats of Governor Martin, who, through his emissaries, endeavored to persuade the Regulators that they remained liable to punishment unless pardoned by the king, and that their pardon could only be obtained by taking up arms against those who were defending American liberty, the congress at its first opening resolved that every one of the late insurgents ought to be protected, and that it would protect them from any attempt to punish them for engaging in the late insurrection; and a committee, composed of Maurice Moore, Caswell, Thomas Person, Kennon, Locke, Rev. Mr. Pattillo, Hunt, Burke, Penn, and others, was appointed to confer with those inhabitants of the province who entertained any religious or political scruples, and to induce them to heartily unite with congress for the protection of constitutional rights. This committee was to influence not merely the Regulators, but the Quakers and others who had scruples preventing their active co-operation. Person alone had affiliated with the Regulators, unless, indeed, Memucan Hunt had done so; but Penn, although he had but lately come into the province, doubtless was a favorite with them; and Judge Moore had in 1772 held as a judge that they were not liable to punishment under the riot act; as "Atticus," had severely

C. R., X,
169

denounced Governor Tryon for his "inhuman conduct" in relation to Few and the other Regulators; had visited James Hunter at his home and had sought "to get him into favor again, and had promised to do all that he could for William Butler"; and doubtless had been instrumental in inducing the Assembly to insist on embracing Hunter in the proposed act of oblivion, the contest between the council and the Assembly over his pardon leading to the failure of that measure. Locke, Kennon, Pattillo, and Burke were, in like manner, doubtless influential among those who were disaffected; while the addition of Caswell, Thomas Jones, and George Moore to the committee gave an assurance that the congress was not merely seeking to persuade, but that it would faithfully observe the obligations which it assumed to give every protection in its power to those who would co-operate with it.

1775
August

A similar committee was appointed to confer with the Scotchmen who had so lately arrived in the province, of whom more than one thousand had reached the Cape Fear within the past few months, and explain to them the nature "of our unhappy controversy"; and still another committee, Judge Moore, Hooper, Caswell, Hewes, and Howe, was appointed to present the controversy in an easy, familiar style to the inhabitants of the province.

C. R., X,
173, 174

These efforts were not without avail. Quickly following the appointment of the committees, there was a conference held with the chiefs of the Regulators. They had some scruples about the oath administered to them by Governor Tryon; but some of them at once signed the test or association, others from time to time gave in their adherence, and others still agreed to neutrality, so that as early as September 9th apprehensions of danger from them were no longer entertained.

C. R., X,
243

By the middle of October Governor Martin realized the success of these endeavors, and wrote to the Earl of Dartmouth: "According to my information, a committee was appointed by this Provincial Congress to gain over the late insurgents in the western counties, who had heretofore made to me the strongest professions of their loyalty and duty to the king and of their resolution to support his Majesty's

C. R., X, 266

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C. R., X.
265, 266

government, as also to treat with the Cherokee Indians; and my intelligence runs that this committee received assurances from the former that they would observe a strict neutrality, but I can learn nothing of its success with the Indians."

In like manner, the efforts to influence the Highlanders were attended with good results. Governor Martin continued: "I have heard, too, . . . with infinitely greater surprise and concern, that the Scotch Highlanders, on whom I had such firm reliance, have declared themselves for neutrality"; and this result he attributed to Farquard Campbell, "who has been settled from his childhood in this country, is an old member of the Assembly, and has imbibed all the American popular principles and prejudices."

Nor was the pulpit silent. Ministers of the gospel urged their flocks to stand for their rights. In Guilford, David Caldwell, the leading Presbyterian of the province, from the pulpit raised a powerful voice for unity of purpose and co-operation in maintaining American liberty. Succinctly and graphically he portrayed existing conditions and eloquently urged the duties of patriotism. "We petitioned," said he, "his Majesty in a most humble manner to intercede with the Parliament on our behalf. Our petitions were rejected, while our grievances were increased by acts still more oppressive, and by schemes still more malicious, till we are reduced to the dreadful alternative either of immediate and unconditional submission or of resistance by force of arms. We have therefore come to that trying period in our history in which it is manifest that the Americans must either stoop under a load of the vilest slavery or resist their imperious and haughty oppressors; but what will follow must be of the utmost importance to every individual of these united colonies. . . . If we act like the sluggard, refuse, from the mere love of ease and self-indulgence, to make the sacrifices and efforts which the circumstances require, or, from cowardice or pusillanimity, shrink from dangers and hardships, we must continue in our present state of bondage and oppression . . . until life itself will become a burden; but if we stand up manfully and unitedly in defence of our rights, appalled by no dangers and shrinking from no toils or privations, we shall do valiantly.

Caruthers's
Caldwell,
223, 234

Our foes are powerful and determined on conquest; but our cause is good, and in the strength of the Lord, who is mightier than all, we shall prevail. . . . If I could portray to you . . . the results of your conduct in this great crisis in your political destiny; or if I could describe . . . the feelings which you will have of self-approbation, joy, and thankfulness, or of self-reproach, shame, and regret, according to the part you act—whether as men and as patriots, or as cowards and traitors—I should have no difficulty in persuading you to shake off your sloth and stand up manfully in a firm, united, and persevering defence of your liberties. . . . We expect that none of you will be wanting in the discharge of your duty, or prove unworthy of a cause which is so important in itself, and which every patriot and every Christian should value more than wealth, and hold as dear as his life.”

1775
August

Proceedings of the Provincial Congress

Realizing that the American colonies were embarked in a common cause, the congress resolved that the inhabitants of North Carolina should pay their full proportion of the expense of maintaining the army and conducting its operations; and recognizing that the former government had passed away, and that it was necessary to institute a new one for the province, a committee of fifty members was appointed to prepare a plan of government to meet the exigency of the occasion.

Mr. Hooper presented for the consideration of the congress articles of confederation, which had been framed for submission to the several provincial conventions, preliminary to their adoption by the Continental Congress. This instrument conferred on the general congress the power of making war and peace; of entering into alliances; of determining on reconciliation with Great Britain; of settling all disputes between colony and colony, and of making ordinances necessary to the general welfare. The proposed confederacy of the united colonies was to continue until the terms of reconciliation proposed by congress should be agreed to by Great Britain, until reparation should be made for the injury done to Boston and the expenses of the war

C. R., X.
175

1775

Proposed
articles of
confederacy
rejected

repaid, and until all British troops should be withdrawn from America. On the failure of these requirements, the confederacy was to be perpetual. It could not have been expected that these demands would ever be assented to by Great Britain; and thus, in effect, this proposition was to establish a perpetual union or confederacy, on the basis of independence. Such was the measure offered by William Hooper to the convention on August 24, 1775. It was taken into serious consideration.

McRee's
Iredell,
I, 263

Johnston, president of the convention, on September 5th wrote to Iredell: "I was much afraid the plan contained in it would have been adopted; but in a committee of the whole house, though they at first seemed inclined to receive it, after hearing the reasons offered against it, it was almost unanimously rejected." By its provisions equality among the colonies was abolished and the smaller ones placed at the mercy of the larger; this doubtless caused its rejection. When it was rejected, by the recommendation of Johnston himself, the congress declared that "the present association ought to be further relied on for bringing about a reconciliation, and that a new confederacy ought to be adopted only in case of the last necessity." Through Johnston's wisdom they had escaped a danger; and the delegates were instructed not to consent to any plan of confederation until it should be approved by the Provincial Congress.*

Independence not the object

As yet independence was not the purpose of the patriot leaders, and the members of the congress signed a test professing their allegiance to the king, while declaring themselves bound by the acts of the continental and provincial congresses; and they issued an address to the inhabitants of the British Empire, saying: "We have been told that independence is our object; that we seek to shake off all connection with the parent state. Cruel suggestion! Do not all our professions, all our actions, uniformly contradict this?" They declared, in the presence of the Almighty

C. R., X,
272

*This proposed constitution invested the Continental Congress with power to regulate commerce, post roads, and the currency. The representation was to be one delegate for every 5000 polls, and each delegate was to have a vote.

Being, who "knows our most secret intentions, that it is our most earnest wish and prayer to be restored . . . to the state in which we were placed before the year 1763." "This declaration we hold forth as a testimony of loyalty to our sovereign, and affection to our parent state, and as a sincere earnest of our present and future intentions."

1775

In this the congress but followed the example of the general congress of the colonies at Philadelphia. There was to be no discord in the voice of America in seeking justice of friends and kindred in Great Britain.

The design of Governor Martin to embody the Loyalists was a constant peril, threatening the peace and repose of the province; while the Indians and negroes, aroused by British emissaries, might at any time fall upon the whites. Preparations to meet such contingencies were quickly made. The Continental Congress having agreed to receive a thousand men raised by the province as a part of the continental army, two regiments of continentals, of five hundred men each, were at once organized. Four hundred of them were to be stationed in the district of Wilmington, one hundred of these being located in the vicinity of Fort Johnston, two hundred near Salisbury, two hundred near New Bern, and two hundred near Edenton. Of the first regiment James Moore was chosen colonel, his competitor being John Ashe, who was defeated by a single vote; Francis Nash, lieutenant-colonel; and Thomas Clark, major. Robert Howe, Alexander Martin, and John Patten were the field officers of the second regiment. The captains, lieutenants and ensigns were also appointed, and these at once became active in raising their companies.

Continental
battalions

C. R., X, 187

For an additional military force the province was divided into six districts, and a battalion consisting of ten companies of fifty men each was to be raised in each district. These were known as minute men, and as soon as the companies were filled the battalions were to be formed, and they were to be trained at once for fourteen days, and after that were to be mustered every fortnight in their counties. The colonels of the minute men were, for the Edenton district, Edward Vail; for that of Halifax, Nicholas Long; Salisbury, Thomas Wade; Hillsboro, James Thackston; New

Minute men

1775
C. R., X, 197 Bern, Richard Caswell; Wilmington, Alexander Lillington; and these officers were to take rank from the date of their commissions, which was to be determined by the organization of their respective battalions.

These minute men were to be enlisted for only six months, and a bounty was allowed them of twenty-five shillings "to buy a hunting shirt, leggings, or splatter-dashes, and black garters," which constituted their uniform. To promote the organization of the minute men and regulars, congress thought it well to disband the independent companies that had been formed in the various counties. The militia, too, was organized, field officers being appointed for each county.

C. R., X,
195

The plan of government

C. R., X,
208

Provincial
Council

The plan of temporary government devised provided for town and county committees, elected by the freeholders; and that in each district there should be a Committee of Safety consisting of a president and twelve members, who should sit at least every three months having a superintending power over the town and county committees, directing the operations of the militia, and censuring and punishing delinquents; and there was to be a Provincial Council of thirteen members, two selected from each district and one by the congress at large; this council to have full power to do all matters and things to defend the colony, but not to alter or suspend any resolution of the congress. The Provincial Council and committees of safety had judicial powers conferred on them and the right to give judgment for all demands not in excess of £20.

C. R., X,
211

It was further ordained that on the third Tuesday in October in every year the freeholders in each county were to choose committeemen and also five deputies to represent them in congress, and that there should be annually held on November 10th a Provincial Congress. Committees of secrecy, intelligence, and observation were to be chosen by the town and county committees, who had power to examine all suspected persons and send them to the district committees of safety.

The courts of oyer and terminer were held for the summer term of 1775, but then ceased.

The congress did not interfere with the organization of the inferior courts, but recommended that the magistrates appointed by Governor Martin should qualify and act: however, it directed that after September 10th no suit should be begun in any court or before any magistrate without leave from the county committee. With the assent of the local committees of public safety, judicial proceedings were to continue, and the county courts were regularly held during this chaotic period.

The congress also adopted a test, which was required to be taken by all delegates to the Provincial Congress; and later it was required to be subscribed by all persons holding any position of honor or trust; and, still later, by all the inhabitants generally.*

Hooper, Hewes, and Caswell were thanked for their services in the Continental Congress, and were re-elected, and they were invested with such powers that all acts done by them not inconsistent with instructions should be obligatory upon every inhabitant of the province; but Caswell and Johnston being elected treasurers, as they had formerly been by the Assembly, Caswell declined to serve as a deputy. Remaining in the province, besides being treasurer, he became a colonel of minute men. To fill that vacancy, John Penn, who had come to North Carolina from Virginia about a year earlier, was chosen. Some dissatisfaction had been felt originally that the three deputies were from the eastern

1775

C. R., X,

August

The test

C. R., X,
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*[Adopted September 9, 1775, required to be subscribed by all vestrymen and others holding places of trust.]

We, the subscribers, professing our allegiance to the king and acknowledging the constitutional executive power of government, do solemnly profess, testify and declare, that we do absolutely believe that neither the Parliament of Great Britain, nor any member or constituent branch thereof, hath a right to impose taxes upon these colonies, or to regulate the internal police thereof, and that all attempts by fraud or force to establish and exercise such claims and powers are violations of the peace and security of the people, and ought to be resisted to the utmost, and that the people of this province, singly and collectively, are bound by the acts and resolutions of the continental and provincial congresses, because in both they are freely represented by persons chosen by themselves; and we do solemnly and sincerely promise and engage, under the sanction of virtue, honor, and the sacred love of liberty and our country, to maintain and support all and every the acts, resolutions and regulations of the said continental and provincial congresses to the utmost of our power and abilities.

1775

September

part of the province, and Penn was now taken probably as a western man and as a friend of Thomas Person, both being representatives of Granville County.

To provide means to sustain the new government, it was directed that a sum of \$125,000 should be emitted in bills, the standard being the Spanish milled dollar, departing from the British currency of pounds and shillings for palpable reasons; and a tax of two shillings a year on every taxable person was laid, to be collected in 1777 and for nine years thereafter, to pay off this indebtedness; and the congress recommended that all public taxes due should be paid by the people; but, except the county and parish taxes, those laid by the old government to accrue in the future were not to be collected.

The congress took steps to obtain a supply of arms and ammunition, and, realizing the necessities of the situation because of the cessation of importations, it offered bounties for the manufacture of the most important articles. Among the commodities whose production it sought to stimulate were saltpetre, sulphur, and gunpowder, common salt, linen and woollen goods, hollow ironware, pins and needles, and wire for cotton cards and woollen cards; and a considerable bounty was offered for the erection of rolling mills for the production of nails, a furnace for the manufacture of steel and of pig iron, and for a mill making various kinds of paper. Not only were the needs of the army to be supplied, but the necessities of the people were to be provided for.

Congress adjourns

Its business being now well completed, on Sunday, September 10th, at six o'clock in the morning, the congress met in its last session. It had solved the momentous questions of that eventful day. It had established a system of government, and had provided for its perpetuation. It had raised troops for the defence of the province and created a public fund. It had appealed to the mother country for reconciliation, and had drawn to the support of the cause many who had been wavering. With brighter hopes and with greater confidence, and yet not without apprehension, the members now returned to their homes.

At once the many military officers, both continental and of the minute men, whose rank was to be determined by their promptness in the organization of their command, entered with zeal upon the work of securing enlistments. Throughout the province there was the greatest activity. Especially was this so on the lower Cape Fear. John Ashe, so long the military leader of his district, defeated in his aspirations, mortified at his enforced separation from his troops, determined not to be without a command. Governor Martin wrote in October: "It is possible also that the resentment of Mr. John Ashe, occasioned by his disappointment of the chief command of the military establishment formed by the Provincial Congress, will cause some division here, for it seems he and his friends are raising men of their own authority, in opposition to Mr. James Moore, his brother-in-law, who is appointed military chief under the congress."

Recruiting

C. R., X.
270

Mr. George Hooper is quoted as saying "that he could never forget General Ashe's return from the convention of Hillsboro in September, 1775. He was in a state of prodigious excitement. His object was to raise a regiment, and he accomplished it. You cannot imagine what a commotion he stirred up. He kindled an enthusiasm in New Hanover and adjacent counties of which there is no parallel in the traditions of the State. He struck the chords of passion with a master hand. His words roused the soul like the roll of the drum or the roar of artillery at the commencement of an action. Every breast heaved, as if with the sentiment of the Athenian orator, 'Let us away! Let us arm! Let us march against Philip!'" Not only was Ashe's proposed regiment in conflict with Moore's regulars, but also with Lillington's minute men. Their respective friends were all activity. Wearing the legends on their hats, "Who will not follow where Ashe leads?" "Who will not follow where Lillington leads?" they dashed from community to community, from neighborhood to neighborhood, arousing the people and securing enlistments for their corps. At his own charges, Ashe raised a regiment, and for some time maintained it out of his private purse. The final organization of Lillington's battalion was perhaps delayed by this irreg-

Hooper's
Memoir of
John Ashe,
N. C. Univ.
Mag., III,
371, (1854)

1775

ular proceeding. Moore was more successful, and soon had his continental regiment fully organized, two companies of which were stationed near Fort Johnston, where they were fired on by the British cruisers in the harbor.

C. R., X,
335-336

The hostile demonstrations of these ships of war led the Wilmington committee to direct John Slingsby and others to procure necessary vessels and chains to sink in such part of the channel as they thought proper to prevent their ascent up the river.

Martin's
activity

It had been Governor Martin's expectation in July to receive a supply of arms and munitions, and with these he hoped to equip a sufficient force of Highlanders and Regulators not merely to subjugate the province, but also to hold South Carolina and Georgia. Later he realized that the time for that had passed, and, without aid from the British army, he would be unable to carry out his cherished design. At length his plan received the sanction of the ministry, and on September 22d an expedition was arranged to subdue the southern colonies. On November 7th Dartmouth wrote him that seven regiments might be expected to reach the Cape Fear about the time that letter would be received, and that he should lose no time in sending emissaries among the inhabitants with authority for raising and embodying as many men as could be procured, bringing down with them horses and wagons for the use of the army.

C. R., X,
306-308Arrival of
Highlanders

In the meantime Highlanders continued to arrive—about the middle of October one hundred and seventy-two, a little later another shipload, and early in December a shipload reached Norfolk, who desired permission, which was given, to pass by land to their destination in Carolina. On the upper Cape Fear Major McDonald, who had recently arrived, under the orders of General Gage, was forming a battalion of Highlanders to be commanded by Colonel McLean; and Allan McDonald and Alexander McLeod, each having commissions, were enrolling companies. Governor Martin also became more hopeful of aid from the Regulators on learning that many had become indignant with the action of congress at Hillsboro; and he was persuaded that the loyal subjects infinitely outnumbered the

C. R., X,
325

ditions throughout all the very populous counties of the west.

In the presence of these threatened dangers, the Provincial Council held its first meeting at the court-house in Johnston County on October 18th. Cornelius Harnett was unanimously elected president, perhaps because it was his section of the province that was in peril, as well as because of his capacity and zealous activity. It took measures to perfect the defence of the province, exercising the high powers with which it was invested. Each district had one vote.

Provincial
Council
Oct., 1775

C. R., X, 283

The Indians placated

The Cherokee and Creek Indians, who had long been under the direction of a very competent British officer, John Stuart, were being influenced to take sides against the colonists, and the Continental Congress had appointed a commission, one of whom was Willie Jones, to secure their neutrality. In October the Creeks met two of these commissioners at Augusta, and in November Willie Jones and the other commissioners convened at Salisbury and sent a "talk to the beloved red men in Georgia," urging their neutrality and promising the usual gifts which were annually distributed among the Indians—powder, blankets, trinkets, etc., etc.

On the other hand, Stuart and his agent among the Indians, who had first also urged them to neutrality, now began to influence them to active hostility. "I found no argument," said Stuart, "prevail so much among the Indians as telling them that while the present disturbances continued they could not expect to be supplied with ammunition and other necessities from Carolina and Georgia; and that it would be their own interest to join his Majesty's faithful subjects in restoring government and good order." He therefore recommended that all supplies should for the present be stopped. That, he thought, would determine the savages to engage on the side of the British.

Pursuant to the policy of congress, a supply of Indian goods, embracing some powder, was despatched through upper South Carolina as a present to the Indians. Several years before, during the same period when the Regulators

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December

The
ScovellitesC. R., X.
408Colonel
Martin
marches to
aid South
CarolinaThe Snow
CampaignC. R., X.
340, 341Graham's
Graham,
198

were active in North Carolina, a movement somewhat similar had taken place in that part of South Carolina, society being disorganized by a social disturbance. Courts and lawyers having roused the animosity of the people, the undertook to regulate matters without regard to existing usages. Their chief leader was a man named Scovell, and they were generally known as Scovellites. After they were dispersed they were out of sympathy with the other inhabitants; indeed, there was a wide stretch of unoccupied territory intervening between their habitations and the seacoast counties. Most of them remained loyal to the king. It was among them that David Fanning had found a residence, he becoming, like them, an adherent of the Crown. Their leaders resolved to intercept the powder and goods being conveyed to the Indians under a small escort, and embodying a sufficient force, they seized the pack horses, declaring that the ammunition was being sent to the Indians to enable them to make war upon themselves. At once Major Williamson marched against them to recover the powder, but the Scovellites were too strong for his force, and he was compelled to retreat, taking refuge in a stockade fort at Ninety-six, where they besieged him. The patriot authorities, aroused to the necessities of action, called on their friends in western North Carolina for aid, and early in December Lieutenant-Colonel Alexander Martin, of the Second Continentals, who had in the Salisbury district two companies of continentals, one of the First Regiment, Captain George Davidson, and the other of the Second Regiment, Captain John Armstrong, proposed to march to their assistance. He was joined by 200 men from Rowan under Colonel Rutherford, 300 from Mecklenburg under Colonel Polk, and 100 from Tryon under Colonel Neal. This body of 700 North Carolinians reached General Richardson, of South Carolina, and Colonel Thompson, of the Third South Carolina Regiment, at Saluda River about December 16th, when the Scovellites hastily abandoned their efforts on Ninety-six, gave up the siege and returned to Saluda River. Unaware of the near approach of this new patriot force, they were surprised on December 22d and 400 of them taken prisoners. In the engagement Colonel Polk was wounded. The powder

which they had seized again fell into the hands of its lawful owners, and was conveyed to the Indians. The weather during this short but eventful campaign was so inclement and stormy, with such heavy snows, that it was known to history as the "Snow Campaign."

1775

Still earlier than this expedition beyond the limits of the State was a call from Virginia for aid in repelling British operations in the vicinity of Norfolk, where Lord Dunmore had begun a predatory warfare, burning houses, ravaging plantations and carrying off negroes. By proclamation, he declared that all indentured servants and negroes who would join his Majesty's forces should be free; and several hundred of the inhabitants, many of them negroes, repaired to his standard. Taking possession of Norfolk, Dunmore constructed a fort on the highway from the south for its protection; and Colonel Woodford, in command of the Virginia troops, fortified at Great Bridge, a few miles distant. The district committees of safety in North Carolina had power to call into active service the organized troops of the province. To assist the Virginians, the committee at Halifax hurried Colonel Long with the minute men of that district to Great Bridge, and on November 28th ordered Major Jethro Sumner to raise what minute men and volunteers he could and follow Colonel Long with the utmost despatch; and Colonel Howe, whose chief command was at New Bern, was directed to lead his continentals also to Norfolk. On December 7th affairs at Great Bridge were reaching a crisis. Colonel Woodford wrote to Governor Henry: "As to the Carolina troops and cannon, they are by no means what I was made to expect; sixty of them are here and one hundred will be here to-morrow; more, it is said, will follow in a few days under Colonel Howe; badly armed, cannon not mounted, no furniture to them."

November

Howe
marches to
aid Virginia

C. R., X,
337

Two days later Captain Fordyce, commanding a force of British regulars and a detachment of sailors, assaulted the Virginia fortifications. He and many of his officers were killed, and the British were completely routed, with great loss, retreating at once into Norfolk. Colonel Howe arrived after Colonel Woodford had won this great victory. Woodford was not a continental officer, and cheerfully yielded the

1775

Howe
commands
in Virginia

command to Howe, as being of superior rank, perhaps the more cheerfully as they had served together on the Holstein in the French and Indian War. From that time until March Howe continued to direct military operations in lower Virginia: the immediate command of his regiment devolving on Major Patten, Colonel Armstrong being in western North Carolina.

Pressing on after the battle of Great Bridge, Howe drove the British and the Tories from Norfolk and took possession of the town.

On December 30th Captain Bellew, commanding the British ships, notified Colonel Howe that he would not suffer men in arms against their sovereign to appear before his Majesty's ships, and he warned Colonel Howe that his sentinels must not be seen or the women and children might suffer—a plain intimation that he proposed to fire on the town unless the American sentinels should be withdrawn. Howe's reply was that he had given orders to his sentinels not to fire on any boat unless approaching the shore in a hostile manner. But Dunmore's mind was made up. He proposed to destroy Norfolk, even if it involved the slaughter of women and children. Without further warning, about three o'clock on the afternoon of the next day, a cannonade of one hundred pieces opened on the devoted town and continued without interruption until ten o'clock that night. Under cover of their guns, the British landed and set fire to the houses at several places near the water. They landed frequently, but were repulsed in every instance. Once, indeed, they reached the street with several field pieces, but were driven back with considerable loss. In the meantime the conflagration spread with amazing rapidity, and the women and children, seeking to escape, were subjected to the British fire and some of them were killed. For two days the fire raged, and nine-tenths of the town was destroyed before it was extinguished. A midshipman on board the British ship *Otter* thus describes the event: "The detested town of Norfolk is no more! Its destruction happened on New Year's Day. About four o'clock in the afternoon the signal was given from the *Liverpool*, when a dreadful cannonading began from the three ships, which lasted till

C. R., X,
372Norfolk
burnedC. R., X,
381, 387, 395

Jan. 1, 1776

'twas too hot for the rebels to stand on their wharves. Our boats now landed and set fire to the town in several places. It burned fiercely all night and the next day; nor are the flames yet extinguished; but no more of Norfolk remains than about twelve houses, which escaped the flames."

1775

A month later Colonel Howe, with the concurrence of his officers, visited the Virginia convention, then sitting at Williamsburg, and on his recommendation that body directed that the remaining houses, only twelve in number, should be destroyed. In Colonel Howe's encounters with the British, although his forces were under a long-protracted, heavy cannonade, he lost only five or six men wounded and none killed. It was his good fortune to bear himself so well that notwithstanding local jealousies, he won high applause and received the thanks of the Virginia convention, while gaining merited distinction for himself and his North Carolina troops.

Colonel Howe had with him some six hundred North Carolinians on this duty in Virginia, and the aid given so expeditiously and effectively at the same time against the Scovellites at the south and Dunmore at the north established for North Carolina an enviable reputation throughout America.

Measures for defence

On December 18th the Provincial Council met at the court-house of Johnston County in its second session.

C. R., X,
(4)

It was now known that the province was to be invaded; and as the inhabitants were not well supplied with arms and ammunition for defence, commissioners were appointed to make and repair guns and to purchase munitions of war; and the delegates in the Continental Congress were directed to send powder, drums, colors and fifes from Philadelphia for the use of the troops.

C. R., X,
355

Waightstill Avery, one of the members, was directed to repair to South Carolina and obtain twenty hundredweight of gunpowder, a supply of which had been received from abroad by that province. Powder and ammunition belonging to the British Government had also been seized in South Carolina, Georgia, and apparently Florida.

1775

C. R., X,
352, 362
DecemberImporta-
tions

Because of the necessity to continue importations and protect vessels engaged in such commerce, the council took steps to fit out three armed ships, one at Wilmington, one at New Bern, and one at Edenton, and gentlemen at each of those towns were appointed to charter one or more vessels, which they were to load with commodities and send abroad to procure arms and ammunition for the province. And renewed efforts were made to obtain at home an additional supply of arms and equipments. It was ordered that two battalions of minute men should be embodied in the district of Salisbury, one of them to be under Griffith Rutherford, as colonel, and the other to be commanded by Colonel Thomas Polk. It was also directed that the test adopted by the Provincial Congress should be signed by all the minute men and militiamen, and it was recommended that no person should be allowed any relief against a debtor unless ten days previous to his application he should have subscribed the continental association and the test.

Progress of
events

Early in September the address of the Continental Congress urging the king to point out some way for an accommodation was presented to the ministry by Governor Penn. Three days later Dartmouth replied that to it no answer would be given; while in a speech from the throne it was declared that the protestations of loyalty were meant only to deceive, the rebellious war being carried on for the purpose of establishing an independent empire. When information came of this closing of the door to all hope of accommodation the colonists were profoundly moved. So far there had been no purpose to separate. All that fall the chaplains in Washington's army were still leading their troops in prayer "for the king." In December, James Hogg, who was attending the Continental Congress seeking recognition for Transylvania, wrote that "the famous John and Sam Adams" presented this difficulty: "There seems to be an impropriety in embarrassing our reconciliation with anything new; and the taking under our protection a body of people who have acted in defiance of the king's proclamations will be looked on as a confirmation of that independent spirit with which we are daily reproached." As yet, even those aggressive delegates from Massachusetts were unwilling to give

Hope of rec-
onciliationC. R., X,
373

color to the charge that they favored independence.* To make a reasonable explanation of the resort to arms while professing allegiance, the Whig leaders denounced the efforts to deprive the colonists of their constitutional rights as emanating from a prodigate ministry, and stigmatized those who opposed the American cause as "tools of the ministers," and the British troops were known as "ministerial troops." It was sought to emphasize a distinction between the king and his ministry: but, indeed, the king was more determined than Lord North, an amiable man, who still hoped for some accommodation. George III was of an arbitrary disposition. Being intent to free himself from the great Whig leaders, who had governed ever since the house of Hanover came to the throne, he had placed at the head of affairs Lord North, who was a Tory, and the administration at this period was conducted by Tories. The Parliament was subservient, but the people were greatly divided. There were those who opposed the administration for political reasons and others who favored America for industrial and commercial purposes. Men like Horace Walpole considered that the constitution was in danger from the despotism of the king, and that the preservation of British liberty was involved in the struggle of the Americans for their rights as British subjects: the merchants and manufacturers realized that the prosperity of Great Britain required a cessation of the disturbance. About November 1, 1775, Walpole wrote: "The ministers have only provoked and united, not intimidated, wounded or divided, America. At this instant they are not sure that the king has a foot of dominion left on that continent." "It is certain that the campaign has answered none of the expectations of the administration. It seems to be the opinion now that they will think of pacific measures. They have even talked in Parliament of treating. The Parliament grants whatever is asked; and yet a great alteration has happened in the administration. The Duke

1775

The Tory
ministry
blamedThe Whigs
in EnglandWalpole's
Letters, I,
391, 392

*After the event John Adams claimed that he favored independence as early as the summer of 1775. The question in such cases is, when did he really begin by acts and measures to promote the cause? When did he seek to disseminate views favorable to the success of the cause? The above letter indicates that neither of the Adamses was promoting independence early in December, 1775.

1775

of Grafton has changed sides, and was turned out last Friday. Lord Dartmouth has quitted the American province and taken the privy seal. Lord George Germaine is made secretary of state for America, and Lord Weymouth has taken the southern province. The town is impatient to see whether this change of men implies any change of measures. I do not see why it should, for none of the new ministers have ever inclined to the Americans; and I doubt whether the success of the latter will make them have a better disposition toward the present administration. They have felt their strength, and experienced how much less hurt we can do them than we imagined. If they have such ideas of independence as have been imputed to them, and as probably some ambitious men among them may have, we have done nothing to convince them that their plan is impracticable. . . . We must exhaust our men, money, navies and trade. These are the four trifling articles we pay to the old scheme of arbitrary power. When will the kings of England learn how great they may be by the constitution; how sure of ruin if they try to be despotic? Cannot the fate of the Stuarts teach even the house of Hanover to have common sense?"

Tories and Whigs

On December 24th the council resolved that, "Whereas, Governor Martin hath distributed great numbers of Tory pamphlets in the western parts of this province, where the people are not well informed," the delegates in congress be desired to secure the best pamphlets to counteract and frustrate the wicked and diabolical tools of a corrupt ministry. Anterior to this era there had been no political differences among the colonists. The king and the ministers had since 1688 been Whigs and the colonists were in full sympathy with the administration. But when George III broke with the Whigs and formed the first Tory ministry under Lord North, and the measures oppressive to America were devised, those who adhered to the ministry and allied themselves with the Tory party became Tories.

The other inhabitants, being in the opposition, naturally called themselves Whigs, for the Whigs in England violently

opposed the administration. Thus these English party names were, in 1775, applicable in America.

1775

Once introduced they became fixed; and even after independence and separation became the object of the struggle, the revolutionists still called themselves Whigs. Likewise the adherents of the Crown continued to be known as Tories, and the name Tory became a term of odium and reproach, synonymous with detested enmity to the country: the Tories being considered traitors and hated as men aiding to deprive the people of their rights and liberties.

CHAPTER XXVIII

THE PROVINCIAL COUNCIL, 1775-76—Continued

Martin prepares to act.—He sends commissions.—The rising.—The Western patriots.—Caswell marches.—At Wilmington.—At Cross Creek.—The Tories embody.—Moore at Rockfish.—McDonald marches.—Moore's Creek.—The battle.—Death of Grady.—The Spoils.—Trouble in Currituck.—The effects of the victory.—In Virginia.—In North Carolina.—Mary Slocumb's ride.—Reports of Caswell and Moore.

Martin prepares to act

Early in December Governor Martin sailed for Charleston, where he was detained a month, returning to the Cape Fear only in January. Doubtless his conferences there strengthened his purpose to embody the Loyalists in the interior. His original design had been to send a British battalion to Cumberland as a nucleus around which the Highlanders and Regulators should centre; but no British force had reached him, although he had been advised that a large expedition was now on the way to the Cape Fear. On his return from South Carolina some of the Loyalists of Brunswick County solicited him not to delay longer, representing "that the rebel troops were weak; that one-third of them had not been provided with arms; that they were equally deficient of ammunition, and that the people were sore under their new-fangled government and had a disposition to revolt; and that they would engage in a month's time to raise two or three thousand men." Major McLean had gone into the interior with instructions to ascertain the number of men that might be relied on; and now the anxious governor confided a commission to a confidential messenger, recommended by the Brunswick Loyalists, to establish the concert he proposed and to carry necessary instructions to the people of the more distant counties. At length Major McLean brought gratifying assurances that two or three thousand men, one-half of them well armed, would quickly respond to his call. This organization extended

1775
C. R., X,
497, 652, 653

C. R., X,
397, 487-489

Plans to
embody the
Loyalists

from Surry County to Brunswick, and the plan promised good hope of success. Again McLean was despatched with powers to proper persons to raise and embody men and with orders to press down to Brunswick by February 15th; and soon came a verbal message "that the Loyalists were in high spirits and very fast collecting; that they assured themselves of being six thousand strong, well furnished with wagons and horses; that they intended to post one thousand at Cross Creek, and with the rest would take possession of Wilmington by February 25th at farthest." By these emissaries commissions were conveyed to the McDonalds and other Scotch leaders in Cumberland and Anson; to John Pyle, of the county of Chatham; to William Fields, James Hunter, Saymore York, and others, of Guilford; Samuel Bryan and others, of Rowan; Gideon Wright and James Glyn, of Surry; Paul Barringer,* of Mecklenburg; Michael Holt, of Orange; and Philemon Hawkins, of Bute.* These and their associates were to erect the king's standard and array his Majesty's faithful subjects in their respective counties, forming them into companies of fifty men each, and with authority to commission the company officers. The preliminary arrangements having been secretly made, the Loyalists soon were all astir.

1776

The Tory
leadersC. R., X,
441

Now the mission of Donald McDonald and Alexander McLeod, who had reached New Bern the previous June, became known. The first had an appointment as brigadier-general and the latter as colonel in the British army, and they had been sent by General Gage to organize not merely an insurrectionary force, but a division of Loyalists in the interior of North Carolina for service in any part of America. At this crisis General McDonald took the chief command, by virtue of his commission. Allan McDonald, the husband of Flora, was appointed by Governor Martin to a subordinate position, but the highest in his gift. He was a man of great influence and high station among his countrymen. As Boswell saw him on his native heath, just prior to his departure for America, he was the *beau ideal* of a Highland chieftain—of graceful mien and manly looks;

*Barringer and Hawkins did not accept these commissions, but were Whigs. Holt and Hunter later took the oath.

1776

Graham's
British
Invasion,
115

"he had his tartan plaid thrown about him, a large black bonnet, with a knot of blue ribbons, . . . and brown coat . . . and tartan waistcoat with gold buttons, . . . a blue filibeg, and tartan hose: . . . jet black hair tied behind . . . a large, stately man, with a steady, sensible countenance," then near fifty years of age; a man, indeed, who might well have swayed his countrymen to any enterprise. His wife, who beyond her romantic career had also a presence both notable and attractive, vied with her husband in manifestations of enthusiasm and devoted loyalty. She accompanied McDonald on horseback in arousing the Scotch to action, visiting the camp and exerting all of her persuasive powers in rallying the people to the standard.

Flora
McDonald

Ibid., 111

The entire territory between the Cape Fear and Haw on the east and the waters of the Yadkin on the west, inhabited largely by the Highlanders and Regulators, was permeated by loyal influences, and a close association existed between the chieftains of the Scotchmen and the leaders of those whom Governor Martin distinguished as "the country people." Both responded with alacrity to the call of the governor, and there was general co-operation throughout that entire region. The Tories of Bladen and Surry and Guilford as well as the Highlanders of Cumberland and Anson prepared for the march and were organized into companies by their local officers.

C. R., X,
594 *et seq.*
The rising

C. R., X,
443

At length, on February 5th, there having been a conference of the leaders, Donald McDonald issued his manifesto as the commanding general, inviting all to repair to his Majesty's royal standard to be erected at Cross Creek.

C. R., X,
440

The movement then began. Secret at its inception, it now was open, and was at once discovered by vigilant Whigs. Messengers were immediately despatched to give warning to the patriot leaders. It was quickly known in Salisbury, where the district Committee of Safety met on February 6th and issued orders to the county committees to embody and send forward their minute men and militia.

The western patriots act

The committee of Rowan, meeting on the same day, urged the disaffected in the forks of the Yadkin to peace, now

at this time, "when the friends of American liberty in these southern colonies are determined, by the assistance of Almighty God, at the hazard of their lives and fortunes, to quell an insurrection of the blackest nature, fomented and supported by the arts of wicked and abandoned men in the very bosom of this country"; and the committee "appointed Monday, February 14th, as a day of public fasting, humiliation and prayer in this country, and recommended that it be religiously observed."

Three days later the Tryon committee hastily convened, and, pursuant to the directions of the district committee, resolved that each captain should detail one-third of the effective men in his district and march to suppress the insurrection. In every part of the province the same zeal was manifested. There was no hesitation. The action of the Whigs was quick and determined. At the west they collected at Charlotte, Salisbury, and Hillsboro.

Thomas Person wrote from Hillsboro on February 12th, saying: "Things move very well in this place. The advocates for liberty seem very numerous, and by what we hear, their enemies are likely to prove but few in number. In short, we hear that they are mostly dispersed up ahead. . . . 'Tis said that the Scotch in Cumberland are making head. . . . The forces will move from here, 'tis thought, to-morrow for Chatham County, toward Cross Creek."

The Loyalists in Surry appear to have been speedily dispersed by the active Whigs of that county. In Guilford, Colonel James Martin assembled the Whigs at the "Cross Roads," but the Tories resolutely pressed on. A company of which Samuel Devinny, one of the former Regulators, was the head, being opposed by Captain Dent, killed him. James Lowe and Robert Adams were particularly charged with firing the fatal shots. It thus appears that Captain Dent was the first North Carolinian to fall in the contest.

An express carrying intelligence that the Loyalists were embodying, and had on the 5th begun to march to Cross Creek, was received by the district Committee of Safety of New Bern on the 10th. The committee immediately directed Colonel Caswell to march with his minute men to suppress the insurrection, and the colonels of Dobbs, Johnston, Pitt,

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C. R., X,
434

February

C. R., X
440C. R., X,
450Captain
Dent killedC. R., X,
500, 599The Whigs
in motionC. R., X,
444

1776

February

and Craven were ordered to raise the militia of those counties and join Caswell. Similarly, the patriot forces in Mecklenburg and Rowan, in Granville and Bute, in the Hillsboro district and on the Cape Fear, were put in rapid motion. The militia and minute men of Surry, Guilford, Orange, and Chatham, under Colonel Thackston, also hurried to the scene of operations.

C. R., X.
46, et seq.
At
Wilmington

On the 9th the express conveying the intelligence of the insurrection reached Wilmington. There the greatest activity prevailed. All vied in enthusiastic ardor. Colonel Moore issued orders to prepare for marching against the insurgents. The artillery was to be equipped, the companies armed, wagons supplied for transporting the provisions. For eighty hours there was severe, unremitting service, night and day, making preparations. At length, being ready, Colonel Moore, with his regulars and artillery, moved toward Cross Creek, being joined on his route by the Bladen militia. Four days later he was followed by the two companies of minute men of New Hanover under Colonel Lillington and Colonel Ashe's independent rangers, while Colonel Purviance remained with his militia for the defence of the town. On the 14th the *Cruizer* sloop-of-war with a tender passed Brunswick, and, fearing an attack, many inhabitants of Wilmington moved out, carrying the women and children, and breastworks were thrown up on the principal streets and wharves and on the hills above and below the town. Quickly there came Captain Clinton's company of minute men from Duplin, a minute company from Onslow, and a part of the militia from Onslow under Colonel Cray, and fifty men from Brunswick under Major Quince. These all assisted in completing the breastworks, mounting the swivels and preparing fire rafts. The *Cruizer*, however, made no attack on the town, but tried to pass up the Clarendon River into the Northwest, with the intention of meeting the Loyalists on their way down and protecting their provision boats from Cross Creek.

The attempt, however, was abortive. Riflemen on shore attacked the men from the *Cruizer* whenever they landed, and the water not being sufficient for the vessel to pass, she again fell below the island.

At Cross Creek

1776

Cross Creek had for months been greatly disturbed. There a few sterling Whigs lived in the very midst of the Tory element. In the early stages of the movement Robert Rowan had formed an independent company, and patriotically sought to determine the action of the community. But there the Tory leaders held their meetings and resolved upon their course. The first rendezvous was appointed at Cross Hill, near Carthage, in Moore County, on February 5th; and thence the companies moved to Campbellton. Colonel Thomas Rutherford, who at the previous congress had been chosen colonel of the county, proved unfaithful, and gave in his adherence to the royal cause. He called for a general muster on the 12th. Many, however, would not obey. To arouse them, on the next day he issued a flaming manifesto, entreating, beseeching, and commanding the people to join the king's army. On the 16th the converging columns began to arrive, and Peter Hay bore the royal standard from Campbellton to Cross Creek, where it was formally erected. Now regiments came in from Anson, Chatham, Guilford, and Bladen, and companies from Orange and Rowan and other communities. The entire number of Loyalists then assembling at Cross Creek was variously estimated at between thirty-five hundred and five thousand men. Colonel Cotton, of Anson, and other leaders asserted that there would be five thousand of the Regulators in addition to the Highlanders. But it had been given out that Governor Martin was at Campbellton with a thousand British regulars to receive them, and this report had given an impetus to the movement. On approaching their encampment the statement was found to be without foundation, and large numbers abandoned the cause. Deceived in one matter, the Regulators lost confidence in all other representations made by their leaders, and hundreds retired.

Cross Hill

C. R., X,
420, 452, 461
The royal
standard
erected

The
Regulators
withdraw

General McDonald, who had fought at Culloden and at Bunker Hill, was, however, resolute, and, notwithstanding this defection, marshalled his forces, preparing to take up his route to the seacoast. There were two main roads, one on the south of the river to Brunswick and the other crossing Corbett's Ferry on the Black and leading to Wilmington.

1776

Moore at
Rockfish
CreekMoore's
ReportMcDonald
moves

McDonald moved forward some four miles on the former and rested, awaiting developments. On reaching the vicinity, Colonel Moore, understanding that the Loyalists would proceed by the former, took post at Rockfish Creek, four miles below McDonald's camp, and held that pass. There he was quickly joined by Rowan and sixty Whigs from Cross Creek, and later was reinforced by Lillington and Ashe and by Colonel Kenan with the Duplin militia, increasing his numbers to fifteen hundred. In the meanwhile Colonel Thackston and Colonel Martin were rapidly approaching from the west with still larger reinforcements. On February 10th General McDonald addressed a communication to Moore enclosing the governor's proclamation, offering free pardon and indemnity for all past transgressions if the colonel and his officers would lay down their arms and take the oath of allegiance, "otherwise he should consider them as traitors and take necessary steps to conquer and subdue them." Moore replied that he would give a more particular answer the next day, when he would perhaps have an opportunity of consulting with Colonel Martin,* then in the neighborhood. It appears that he sought to prolong the correspondence that Martin and Thackston might arrive. On the night of the 20th, the defection of the Loyalists continuing—indeed, two companies of Cotton's regiment deserted in a body and McDonald having information of Caswell's near approach from the east, the astute British general resolved to wait no longer, and under cover of darkness he crossed the river and took the upper road for Wilmington. At best he would have only Caswell to contend with, and he thought to easily overcome that detachment. Moore, on learning of the movement, directed Thackston and Martin to take possession of Cross Creek, and ordered Caswell to return and hold Corbett's Ferry over the Black, while Lillington and Ashe were hurried by a forced march to reinforce Caswell if possible, but if not, to take possession of Moore's Creek Bridge on the same road, but nearer to Wilmington. In the meantime, as it was apprehended that McDonald might attempt to pass through

*Lieutenant-Colonel Alexander Martin, of the Regulars. Lieutenant-Colonel James Martin, of the militia, was with Thackston.

1776

Duplin, pursuing a route still farther to the eastward, the bridges in that county were partly demolished. Colonel Cray holding back Sater's company for that duty, and the inhabitants being ready to destroy the others if necessary to obstruct the march of the Tories. At Wilmington, Colonel Purviance was all activity, and to arrest their boats, should they descend the river, he threw a boom across the stream at Mount Misery, four miles above the town, and stationed one hundred and twenty men there, while with another detachment he held the pass of Heron's Bridge, ten miles out on the northeast branch. Having despatched his orders to intercept the progress of the Tory column, Moore hastened to Elizabethtown, hoping to strike McDonald on his route to Corbett's Ferry or to fall in his rear and surround him. McDonald was a very competent commander, resourceful, and determined. Failing to overtake Caswell, he departed from the regular road, raised a flat that had been sunk in Black River some five miles above Corbett's Ferry, quickly erected a bridge and passed that stream. Because of this movement, Moore ordered Caswell to retire to Moore's Creek, and himself hurried toward that point.

The battle of Moore's Creek Bridge

Lillington, unable to make a junction with Caswell, fell down the river in boats, and took post at Moore's Creek Bridge, and threw up some entrenchments near by; but later he abandoned that position, moved farther back, and erected other entrenchments, which he strengthened with a few pieces of light artillery. Toward the evening of February 26th Caswell also arrived at the bridge, and after he had crossed it the planks were removed. He placed his troops in a position farther off than that occupied by Lillington, who remained on the ground where he had entrenched. The Highlanders and some two hundred Regulators reached the same vicinity that night. General McDonald lay ill at a farmer's house, and in camp a council was held to determine whether an assault should be made or a detour attempted. McLeod, a trained soldier, who had left his bride (a daughter of Flora McDonald) at the altar in haste to do duty for his king, doubted; McLean, adventurous, spirited, a

Caswell's
Report

Uni. Mag.,
II, 395 (1853)

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Feb. 27, 1776

veritable "spitfire," emphatically demanded courageous action. "Well," exclaimed McLeod, as he closed the council, "at dawn to-morrow we will prove who is the coward." In the early morning their advance crossed the stream, and observing the first entrenchments unoccupied, supposed the road was open. Their commander, McLeod, loudly calling on them to follow, dashed forward; but the artillery and riflemen at once opened a murderous fire, and the unexpected and destructive volley drove back the head of the column, thirty falling on the ground and a number of others into the stream. The gallant McLeod himself was pierced by twenty balls. McLean survived, in after life sedate, saddened by the unhappy fate of the bridegroom of an hour.

The victory A detachment was now thrown by Caswell, the commanding officer, across the creek, and it resolutely attacked the disordered Tories, who, having lost their leaders, soon gave way and fled. In a few moments the battle was over. A great victory was won. The insurrection was suppressed by one sharp blow and the peril that threatened the province was averted. Happily, the patriot force escaped with but little loss. Two men were wounded, one of them, however, to the death—John Grady, of Duplin, the first North Carolinian recorded in history to yield his life on a contested battlefield in the war for independence.

The spoils

Routed, the Highlanders quickly dispersed, leaving their general, then quite ill, in the hands of his enemies. Eight hundred and fifty of the insurgents were captured, among them many of their officers. Besides there fell into the possession of the Whigs three hundred and fifty guns and shot bags, one hundred and fifty swords and dirks, fifteen hundred excellent rifles, two medicine chests, fresh from England, one of them valued at £300 sterling; a box of guineas, found secreted in a stable at Cross Creek, reported to be worth £15,000 sterling, and thirteen wagons with their horses—a fortunate addition to the slender supplies of the provincial army. For some days detachments of the Whig troops were occupied in scouring the country, arresting the Loyalists and disarming them. Among those taken were Colonel John Pyle, four of the Fields family, James Hunter, Saymore York, Rev. George Micklejohn, Colonel Ruther-

ford, of Cumberland, and many of the leaders of the Regulators, as well as the McDonalds and other chiefs of the Highlanders.

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The council in session

President Harnett, in view of the insurrection, had convened the Provincial Council at New Bern on February 27th, and the body was in session when information was received of the death blow given to the movement of the Loyalists. Colonel Caswell, being senior in rank to Colonel Lillington, despatched information of his victory, and Colonel Moore made a detailed report to President Harnett of the entire campaign. At once the council adopted resolutions returning thanks "to Colonel James Moore and all the brave officers and soldiers of every denomination for their late very important services rendered their country in effectually suppressing the late daring and dangerous insurrection of the Highlanders and Regulators." Equally good accounts being received of Howe's fine conduct in Virginia, the council, with just pride in the glorious achievements of North Carolinians, rendered thanks "in the fullest and most honorable terms to Colonel Howe and all the brave officers and soldiers under his command for their spirited conduct, having acquitted themselves greatly to the honor and good of their country." But in that hour of rejoicing there was also need for action. The scattered insurgents were to be apprehended, and all suspected of Toryism were required to take an oath that they would not under any pretence whatever oppose the measures of the continental or provincial congresses.

C. R., X., 469

Moore and
Howe
thanked

Almost simultaneously with the rising on the Cape Fear, disaffection manifested itself in Currituck, doubtless stimulated by the efforts of Governor Dunmore in Virginia. The militia of Bertie, Martin and some other counties were marched to suppress it; and the council on March 2d returned the warmest thanks to Colonel William Williams and the other gentlemen, officers, and soldiers from the counties of Martin and Bertie for their readiness and spirited conduct in marching against the enemies of their country; and the congress later made a considerable appropriation to

C. R., X.
472, 571Rising in
Currituck

1776

pay the militia of Bute, led by Colonel Hawkins against the insurgents during the "late Currituck expedition."

It being known that a British army was on its way to the South, the Continental Congress had recommended the Provincial Council to confer with the authorities of Virginia and of South Carolina to devise means of defence; and Sam Johnston, Thomas Jones, and Thomas Person were directed to go to Virginia, and Abner Nash and John Kinchen to Charleston, to consult on measures for the security of these colonies. As additional troops would certainly be needed, Colonel Polk and Major Phifer were directed to recruit seven hundred and fifty men to form a new continental regiment; and congress was called to meet at Halifax on April 2d.

The effects of the victory

Governor Martin was greatly disconcerted by this ending of the movement from which he had hoped so much; but he was not discouraged, and attributed the falling off of the country people from the enterprise to their disappointment in finding that a deception had been practised on them by the representation that he himself with one thousand regulars was at Cross Creek. He still expected that if such a force were to penetrate into the interior thousands of Loyalists would flock to his standard, and he represented to the ministry "that the little check the Loyalists have received will not have any extensive ill consequences. All is recoverable by a body of troops penetrating into the country."

And so, indeed, it was. The Loyalists, though disheartened, generally remained faithful to the Crown. Disarmed and deprived of their leaders, many of whom had been captured and confined, they had no heart to undertake any new movement, but thousands of them continued during the long years of the struggle unfriendly to the American cause and devoted adherents of Great Britain.

On the Whigs the victory had a potent effect. It animated them with hope, established confidence in their prowess, and added fuel to the fires of patriotism. Their spirit ran high. "You never knew the like in your life for true patriotism," wrote a North Carolinian to his correspondent in Philadel-

phia, and the newspapers teemed with the details of the brilliant victory. Another Carolinian, writing to the *Remembrancer*, said:

It is inconceivable to imagine what joy this event has diffused through this province: the importance of which is heightened by Clinton and Lord William Campbell's being now in Cape Fear. . . . How amazingly mortified must they prove in finding that . . . in less than fifteen days [we] could turn out more than ten thousand independent gentlemen volunteers. . . . Since I was born I never heard of so universal an ardor for fighting prevailing, and so perfect a union among all degrees of men. . . . I think the province will and ought to call for hostages from the Regulators and Highlanders to be safely kept in some other province, beyond the possibility of a rescue, during the present commotions.

The spirit of
the Whigs

S. R., XI.
28, 1777

Independence

Ten months had passed since the clash of arms at Lexington had roused the passion of the patriots, and now Moore's Creek brought joy throughout the colonies.

The ease with which a well-devised and widely extended insurrection had been quelled excited an ardor that stirred the Revolutionists from the seaboard to the mountains. The iron had entered into their souls in the time of peril, and now in the exultation and rejoicing there was mingled a higher resolve, and suddenly the nature of the contest changed. Theretofore reconciliation had been desired; now, as if by magic, the watchword became independence, and the thoughts and aspirations of the people were centred on entire and final separation. No longer as British subjects, but as American freemen, they dared the hazard of the struggle.

The change
in purpose

Similar experiences, perhaps, worked a like result in Virginia. In April a great change was noted in that province. Whereas in March the Virginians were not favorable to independence, in April they were almost unanimous for it. A letter written from Halifax about the middle of April, which may be attributed to Hooper, who had just arrived from Philadelphia, says:

Frithing-
ham,
Rise of the
Republic,
593

I arrived here after a tedious journey. As I came through Virginia, I found the inhabitants desirous to be independent from Britain. However, they were willing to submit their opinion on the

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N. C. Uni.
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157, 158 (1853)

subject to whatever the general congress should determine. *North Carolina by far exceeds them*, occasioned by the great fatigue, trouble and danger the people here have undergone for some time past. Gentlemen of the first fortune in the province have marched as common soldiers, and, to encourage and give spirit to the men, have footed it the whole time. Lord Cornwallis with seven regiments is expected to visit us every day. Clinton is now in Cape Fear with Governor Martin, who has about forty sail of vessels, armed and unarmed, waiting his arrival. The Highlanders and Regulators are not to be trusted. Governor Martin has coaxed a number of slaves to leave their masters in the lower parts; everything base and wicked is practised by him. These things have wholly changed the temper and disposition of the inhabitants, that are friends to liberty. All regard or fondness for the king or nation of Britain is gone; a total separation is what they want. Independence is the word most used. They ask if it is possible that any colony, after what has passed, can wish for a reconciliation. The Convention have tried to get the opinion of the people at large. I am told that in many counties there is not one dissenting voice.*

Mary Slocumb's ride

Mrs. Ellet's
Women of
Am. Rev.,
II, 361

There is recorded a picturesque narrative that illustrates the furor which pervaded the entire Whig section when the fathers, husbands, and brothers of the families hurried out to meet the Tories in February, 1776. War had never before visited that section, but now was at their very doors. Its unknown terrors inflamed the imagination and disturbed every household. Anxiety pervaded every heart. The men courageously marched to the front, the women suffered dreadful solicitude. Mrs. Mary Slocumb, the wife of Captain Ezekiel Slocumb, gave this account of the experience that befell her. Their residence was on Neuse River, in what is now Wayne County: "The men all left on Sunday morning. More than eighty went from this house with my husband. . . . They got off in high spirits, every man stepping high and light. And I slept soundly and quietly that night, and worked hard all the next day; but I kept thinking where they had got to—how far, where, and how many Regulators and Tories they would meet; and I could not keep myself from the study. I went to bed at the usual

*The name of the writer of this letter is not stated, but from internal evidence the author attributes it, without doubt, to Hooper.

time. . . . As I lay—whether waking or sleeping I know not—I had a dream, yet it was not all a dream. I saw distinctly a body wrapped in my husband's guard cloak, bloody, dead, and others dead and wounded on the ground. . . . I saw them plainly and distinctly. I uttered a cry and sprang to my feet on the floor; and so strong was the impression on my mind that I rushed in the direction the vision appeared. . . . The fire in the room gave little light, and I gazed in every direction to catch another glimpse of the scene. . . . If ever I felt fear it was at that moment. Seated on the bed, I reflected . . . and said aloud, 'I must go to him.' . . . I went to the stable, saddled my mare—as fleet and easy a nag as ever travelled—and in one minute we were tearing down the road at full speed. . . . I knew the general route our little army expected to take, and had followed them without hesitation." All night long she rode through the piney forests of Duplin and New Hanover counties. Then continuing, she said: "About sunrise I came upon a group of women and children standing and sitting by the roadside, each one of them showing the same anxiety of mind I felt. . . . Again was I skimming over the ground through a country thinly settled, and very poor and swampy, . . . when I heard a sound like thunder, which I knew must be cannon. It was the first time I ever heard a cannon. I stopped still, when presently the cannon thundered again. The battle was then fighting. . . . I could hear muskets; I could hear rifles; I could hear shouting. I spoke to my mare, and dashed on in the direction of the firing and the shouts, now louder than ever. . . . A few yards from the road, under a cluster of trees, were lying perhaps twenty men. They were the wounded. I knew the spot, the very trees, and the position of the men I knew as if I had seen it a thousand times. I had seen it all night. I saw all at once; but in an instant my whole soul was centred in one spot, for there, wrapped in his bloody guard cloak, was my husband's body! How I passed the few yards from my saddle to the place I never knew. I remember uncovering his head and seeing a face clotted with gore from a dreadful wound across the temple. I put my hand on the bloody face; 'twas warm, and an unknown voice begged for water . . . it was Frank Cogdell.

1776

... Just then I looked up, and my husband, as bloody as a butcher and as muddy as a ditcher, stood before me." It is said that Slocumb's company was of the detachment that forded the creek and, penetrating the swamp, made the furious charge on the Tory rear that decided the fate of the day.

Colonel Caswell's report to President Harnett:

CAMP AT LONG CREEK, Feb. 20, 1776

SIR: I have the pleasure to acquaint you that we had an engagement with the Tories, at Widow Moore's Creek Bridge,* on the 27th current. Our army was about one thousand strong, consisting of the New Bern battalion of minute men, the militia from Craven, Johnston, Dobbs and Wake, and a detachment of the Wilmington battalion of minute men, which we found encamped at Moore's Creek the night before the battle, under the command of Colonel Lillingston. The Tories, by common report, were 3000: but General McDonald, whom we have a prisoner, says there were about fifteen or sixteen hundred. He was unwell that day, and not in the battle. . . . The Tories were totally put to the route, and will certainly disperse. Colonel Moore arrived at our camp a few hours after the engagement was over. His troops came up that evening, and are now encamped on the ground where the battle was fought. And Colonel Martin is at or near Cross Creek, with a large body of men. Those, I presume, will be sufficient effectually to put a stop to any attempt to embody again. I therefore, with Colonel Moore's consent, am returning to New Bern with the troops under my command, where I hope to receive your orders to dismiss them. There I intend carrying the general.† If the council should rise before my arrival, be pleased to give order in what manner he shall be disposed of. Our officers and men behaved with the spirit and intrepidity becoming freemen, contending for their dearest privileges.

RICHARD CASWELL.

Report of Colonel Moore to President Harnett:

WILMINGTON, March 2, 1776.

SIR: On the earliest intelligence that the Tories were collecting and embodying at Cross Creek, which I received on February 9th, I pro-

*"Widow Moore's," on Black River, was a well-known plantation as early as 1737. The line dividing the Welsh Tract from Rocky Point began on Black River at "Widow Moore's." From there the Welsh Tract district extended to the bounds of the precinct or county. It was so called, apparently, because laid off by the Evanses for a settlement of Welshmen. (Records of New Hanover, A.D. 1737.)

†General McDonald.

ceeded to take possession of Rockfish Bridge, within seven miles of Cross Creek, which I considered as an important post. This I effected on the 15th with my own regiment, five pieces of artillery, and a part of the Bladen militia; but as our numbers were by no means equal to that of the Tories, I thought it most advisable to entrench and fortify that pass, and wait for a re-enforcement. By the 19th I was joined by Colonel Lillington with 150 of the Wilmington minute men, Colonel Kenan with 200 of the Duplin militia, and Colonel Ashe with about one hundred of the volunteer independent rangers, making our numbers, then, in the whole about eleven hundred; and from the best information I was able to procure the Tory army under command of General McDonald amounted to about fourteen or fifteen hundred. On the 20th they marched within four miles of us, and sent in by a flag of truce the governor's proclamation, a manifesto and letter from the general, copies of which, together with another letter and my answers, you have enclosed. I then waited only until Colonel Martin and Colonel Thackston, who I had certain intelligence were on their march, should get near enough to cut off their retreat, and then determined to avail myself of the first favorable opportunity of attacking them. However, contrary to my expectations, I learned on the 21st that they had the night before, and that morning, crossed the Northwest river at Campbellton with the whole army, sunk and destroyed all the boats, and taken their route the most direct way to Negro-head Point.* I then despatched an express to Colonel Caswell, who was on his march to join us with about eight hundred men, and directed him to return and take possession of Corbett's Ferry over Black River, and by every means to obstruct, harass and distress them in their march. At the same time I directed Colonel Martin and Colonel Thackston to take possession of Cross Creek, in order to prevent their return that way. Colonel Lillington and Colonel Ashe I ordered by a forced march to endeavor if possible to re-enforce Colonel Caswell; but if that could not be effected to take possession of Moore's Creek Bridge, while I proceeded back with the remainder of our army to cross the Northwest at Elizabethtown, so as either to meet them on their way to Corbett's Ferry, or fall in their rear and surround them there. On the 23d I crossed the river at Elizabethtown, where I was compelled to wait for a supply of provisions until the 24th at night, having learned that Colonel Caswell was almost entirely without. Just when I was prepared to march, I received an express from Colonel Caswell, informing me that the Tories had raised a flat which had been sunk in Black River, about

*The point opposite Wilmington between the two branches of the Cape Fear River.

1776

Moore's
campaign

five miles above him, and by erecting a bridge had passed it with the whole army. I then determined as a last expedient to proceed immediately in boats down the Northwest River to Dollerson's Landing, about sixty miles, and to take possession of Moore's Creek Bridge, about ten miles from thence; at the same time acquainting Colonel Caswell of my intentions, and recommending to him to retreat to Moore's Creek Bridge if possible, but if not to follow on in their rear. The next day by four o'clock we arrived at Dollerson's Landing, but as we could not possibly march that night, for the want of horses for the artillery, I despatched an express to Moore's Creek Bridge to learn the situation of affairs there, and was informed that Colonel Lillington, who had the day before taken his stand at the bridge, was that afternoon reënforced by Colonel Caswell, and that they had raised a small breastwork and destroyed a part of the bridge.

The next morning, the 27th, at break of day, an alarm gun was fired, immediately after which, scarce allowing our people a moment to prepare, the Tory army, with Captain McLeod at the head, made their attack on Colonel Caswell and Colonel Lillington, and finding a small entrenchment next the bridge, on our side, empty, concluded that our people had abandoned their post, and in the most furious manner advanced within thirty paces of our breastwork and artillery, where they met a very proper reception. Captain McLeod and Captain Campbell fell within a few paces of the breastwork, the former of whom received upward of twenty balls in his body; and in a very few minutes their whole army was put to flight, and most shamefully abandoned their general, who was next day taken prisoner. The loss of the enemy in this action from the best accounts we have been able to learn, is about thirty killed and wounded, but as numbers of them must have fallen into the creek, besides many more that were carried off, I suppose their loss may be estimated at about fifty. We had only two wounded, one of whom died this day. . . .

In order to avoid as much as possible the heavy expense unavoidably incurred by this expedition, I sometime ago directed Colonel Martin to disband all the troops under his command, except one thousand, including the regulars, and with those to secure the persons and estates of the insurgents, subject to your further orders, and then to proceed to this place, unless otherwise directed. However, as I do not think the service just now requires such a number of men in arms, I shall immediately direct them to disband all except the regulars, and with those to remain in and about Cross Creek until further orders. . . . etc.

JAMES MOORE.

THE SIXTH EPOCH—1775-83

THE WAR FOR INDEPENDENCE

CHAPTER XXIX

THE PROVINCIAL COUNCIL, 1775-76—*Continued*

The Provincial Congress.—The spirit of independence.—In the Continental Congress.—At Halifax.—The committee.—The undaunted spirit to declare independence.—The delegates instructed.—North Carolina leads the way.—The captured Tories.—The drums and colors.—War measures.—On the water.—The Tories.—Four new battalions.—For defence of Cape Fear.—Militia drafts.—Civil affairs.—The members of the congress.

The Provincial Congress

Called to meet on April 2d, it was not until Thursday, the 4th, that a majority of the members of the congress assembled at Halifax. Seldom has a body met under similar circumstances. The insurrection of the Highlanders and Regulators and the movement of the Tories in many parts of the State were in themselves causes of inquietude. It was evident that in many counties, indeed, in nearly every community, there was a considerable element of disaffected persons not only unwilling to sustain the revolutionary movement but so far attached to the royal cause as to take up arms against their neighbors. Besides, the province stood in the shadow of a great peril. It was well known that a large British force was on its way to the Cape Fear and had been detained only by protracted storms, and its arrival was now daily expected. Dunmore, from the Chesapeake, was also sending expeditions along the coast to harass the inhabitants, capture vessels, and interrupt commerce. Within and without there was cause for foreboding. The jail at Halifax was filled with officers of the insurgent force and promoters of the insurrection, of whom some disposition had to be made to render them harmless, while policy and

17-6

April,
C. R., X,
49.

The
situation

1776

wise statesmanship required that a conciliatory course should be pursued reconciling the Loyalists at least to an acquiescence in the measures of the congress. The period for which the minute men had been enrolled was expiring, and the great need for additional troops, for arms, ammunition, and equipments was a cause of anxious solicitude, while the province was absolutely without funds. The condition of affairs, too, seemed to demand a more efficient system of government, one that could direct military operations and conduct the civil administration with more despatch than the temporary arrangement that had been adopted by the previous convention. Such a pressure of important matters demanding immediate consideration and prompt action had never before been experienced by North Carolina statesmen. But the courage of the congress rose equal to the occasion, and with brave hearts the patriots addressed themselves to devising measures required by the exigency of their novel situation.

The spirit of independence

Not only were they strengthened by their overwhelming and glorious victory, but now they were animated by the spirit of independence. In this they were unanimous. Sam Johnston, the wise, prudent, and cautious, the counsellor and guide, was again chosen president without dissent, and he joyfully wrote at once to his brother: "All our people here are up for independence." A fortnight later, when Hooper and Penn came from Philadelphia, they learned that "in many counties there was not a dissenting voice."

M. Roe's
Iredell, I,
275

The
development
of the
purpose

The Continental Congress and the people of the other provinces were dilatory, dallying with a delusive hope of reconciliation. Early in January Paine had published in Philadelphia a pamphlet, "Common Sense," that arrested attention. Among the deputies it seems to have been regarded "as a curiosity." Save a few individual expressions in local papers, it was the first cry for independence since Mecklenburg had raised her voice in May, 1775. A month later Penn. always among the boldest, sent a copy to Person without comment; and Hewes forwarded one to Johnston, saying only: "It is a curiosity. We have not put up any

C. R., X,
440, 447

to go by the wagon,* not knowing how you might relish independency. The author is not known: some say Dr. Franklin had a hand in it: he denies it." Hewes's spirit led him to say: "All accounts from England seem to agree that we shall have a dreadful storm bursting on our heads through all America in the spring. We must not shrink from it; we ought not to show any symptoms of fear; the nearer it approaches and the greater the sound, the more fortitude and calm, steady firmness we ought to possess. If we mean to defend our liberties, our dearest rights and privileges against the power of Britain to the last extremity, we ought to bring ourselves to such a temper of mind as to stand unmoved at the bursting of an earthquake. Although the storm thickens, I feel myself quite composed."

1776
February
11th

At the close of October the king had from the throne charged the colonies with levying war for the purpose of establishing an independent empire; but he proposed, while employing a hireling force from the continent to subdue them, to send commissioners with power to grant pardons and receive the submission of the several colonies. He would not, however, treat with the Continental Congress. That was resolutely determined. By two to one the Parliament was of the same mind. Such was the information that came across the seas early in January. And yet the congress and the people waited—anxiously waited for the arrival of the commissioners. On February 14th Penn wrote to Person: "Our dispute with Great Britain grows serious indeed. Matters are drawing to a crisis. They seem determined to persevere, and are forming alliances against us. Must we not do something of the like nature? Can we hope to carry on a war without having trade or commerce somewhere? . . . The consequence of making alliances is perhaps a total separation with Britain, and without something of that sort we may not be able to provide what is necessary for our defence. My first wish is that America may be free; the second, that we may be restored to peace and harmony with Britain upon just and proper terms."

In the
Continental
Congress

C. R., X,
455, 456

Foreign
Alliances

At Philadel-
phia

Two days later, on February 16th, it was proposed to open the ports and renew commerce with all the world except

*For general distribution.

1776

Great Britain. In the discussion, Wythe, of Virginia, said: "How, as subjects of Great Britain—as rebels? No; we must declare that the colonies have a right to contract alliances with foreign powers!" The eloquent Virginian struck the same chord as Penn; but the question of opening the ports, involving this difficulty, was destined to remain undecided for more than two months.

Later Hewes wrote to Johnston: "I see no prospect of a reconciliation; nothing is left now but to fight it out. Nor are we unanimous in our councils. Jealousies, ill-natured observations, and recriminations take place of reason and argument. Some among us urge strongly for independency and eternal separation, others wish to wait a little longer and to have the opinion of their constituents on that subject. You must give us the sentiments of your province when your convention meets." And on March 1st, the North Carolina deputies wrote to the Provincial Congress asking directions concerning forming alliances.

S. R., XI,
229

C. R., X,
494, 495

At Halifax,
April 4th

On the organization of the Provincial Congress, Johnston was unanimously called to preside, and committees were at once appointed to map out the business of the body. Now it was determined to arrange for at least one year of actual war, and a committee of ways and means was directed to devise measures for supporting troops to be raised for that period. A committee of secrecy was appointed, of which Johnston was the head, to whom all intelligence was first submitted, and it was their province to determine what should be imparted to the congress itself. And on the fourth day of the session, April 8th, a committee composed of Harnett, Allen Jones, Burke, Nash, Kinchen, Person, and Thomas Jones was appointed to take into consideration the usurpations and violences attempted and committed by the king and Parliament of Britain against America, and further measures to be taken for frustrating them and for the better defence of the province.

C. R., X,
504

The
undaunted
spirit

The congress—all the members—were unanimous for separation, for declaring themselves no longer British subjects, but citizens of a new-born nationality. It was a momentous matter. It would change the nature of the struggle. Not as subjects rebelling against the oppressions of Par-

liament, but as freemen asserting the right of self-government, were they now to invoke the arbitrament of arms. The congress took steps to sound the people. It was ascertained that the popular heart was strong for independence. In many counties there was not a dissenting voice. Ominous was the war cloud now gathering and expected soon to burst on the devoted province. Already forty sail had anchored in the harbor of the Cape Fear. There Clinton with his detachment from the north waited the arrival of Cornwallis with his seven regiments to subjugate the people. The prospect was full of peril. But the hearts of the patriots did not quail. Under the lead of Johnston, Harnett, Ashe and their associates their spirit rose to loftier heights as dangers thickened.

On the night of April 12th the congress having received some very important intelligence,* at once took up for consideration the letter of March 1st, from Hooper, Hewes and Penn, asking instructions in regard to forming alliances.

Harnett's committee was resolute and ready to report; short and vigorous was the conclusion of the matter. Whatever of doubt there had been was now cast aside. The bonds binding the people to the past were to be broken, and a new purpose, a new hope, that of independence, was to animate them to action. The question Wythe had thundered at Philadelphia was answered by the congress at Halifax.

1776
McRee's
Iredell, I,
276
C. R., X,
445

To declare independence

Early Saturday morning Johnston wrote to his brother: "The house, in consequence of some very important intelligence received last night, have agreed to empower their delegates at Philadelphia to concur with the other colonies in entering into foreign alliances, and declaring an independence on Great Britain. I cannot be more particular."

On the night before, Friday, April 12th, the committee brought in its report, reciting the acts of the British ministry and of the king and Parliament and authorizing the delegates to the Continental Congress to concur in declaring independence.

*Apparently from General Moore. (S. R., XI., 276.)

1776

They reported as follows:

C. R., X,
512

"It appears to your committee that pursuant to the plan concerted by the British ministry for subjugating America, the king and Parliament of Great Britain have usurped a power over the persons and properties of the people unlimited and uncontrouled; and disregarding their humble petitions for peace, liberty, and safety, have made divers legislative acts, denouncing war, famine and every species of calamity against the continent in general: the British fleets and armies have been and still are daily employed in destroying the people and committing the most horrid devastations on the country: that governors in different colonies have declared protection to slaves who should imbrue their hands in the blood of their masters: that the ships belonging to America are declared prizes of war, and many of them have been violently seized and confiscated. In consequence of all which, multitudes of the people have been destroyed, and from easy circumstances reduced to the most lamentable distress.

"And whereas the moderation hitherto manifested by the united colonies and their sincere desire to be reconciled to the mother country on constitutional principles, have procured no mitigation of the aforesaid wrongs . . . and no hopes remain of obtaining redress by those means alone which have been hitherto tried, your committee are of opinion that the house should enter into the following resolve, to wit:

To concur
in declaring
independ-
ence

"*Resolved*, That the delegates of this colony in the continental congress be empowered to concur with the delegates of the other colonies in declaring independency, and forming foreign alliances, reserving to this colony the sole and exclusive right of forming a constitution and laws for this colony, and of appointing delegates from time to time (under the direction of a general representation thereof), to meet the delegates of the other colonies for such purposes as shall be hereafter pointed out."

Night had already closed in; but doubtless with burning words Harnett, accomplished and silver-tongued, urged the adoption of the resolution presented by the committee with all his powers. It was unanimously accepted as the voice of North Carolina. No other business was transacted, but the session of the day closed with this great performance. The next day President Johnston wrote to Hooper, Hewes, and Penn in great haste: "The congress have likewise taken under consideration that part of your letter* requiring their

*Of March 1st.

instructions with respect to entering into foreign alliances, and were unanimous in their concurrence with the enclosed resolve, confiding entirely in your discretion with regard to the exercise of the power with which you are invested."

But Hooper and Penn were then in Virginia on their route to Halifax, where they arrived in time to take their seats on Monday, the 15th. They had the gratification of finding the congress responsive to the sentiment of the people, pronounced for independence, and earnest and zealous for defence.

C. R., X,
510

1776
7-7

The first action

Indeed, this resolution for independence was the first utterance for separation that had been made on behalf of any colony in America. Mecklenburg's voice and action in May, 1775, annulling all the commissions and powers derived from the Crown and establishing an independent government, was then premature and out of harmony with the spirit of the times: even now the people "of the other colonies from New England to Virginia were in solid array against independence." This first voice of any province leading the way gave heart to the patriots and strengthened the independent spirit which was beginning to manifest itself in other communities. "It was warmly welcomed by the patriots and commended for imitation." In Virginia the idea of independence was said to have been alarming in March, but was welcome in April; and a month after North Carolina had acted the Virginia convention met and adopted a similar resolution, directing its delegates in congress to propose independence and separation. But it is the crowning glory of North Carolina that her sons had the manhood and spirit to desire independence, the wisdom to perceive that the change in the purpose of the contest would add to the probabilities of a successful achievement and the boldness to lead the way.

Frashing-
ham's
Rise of the
Republic,
584, 589

Virginia acts
in May

The captured Tories

One of the first questions that claimed the attention of congress was the disposition of the prisoners taken at

1776

Care of the
prisonersC. R., X,
560

Moore's Creek. They had been confined in the Halifax jail. Because his health was suffering, General McDonald was immediately paroled to the town, and a day or two later Allan McDonald was also admitted to parole. A committee was appointed to examine into the cases of the different prisoners, about fifty of whom were paroled to return home, while some were directed to be removed to other communities within the province, being allowed reasonable time to arrange their affairs at home, and with the privilege of removing their families, as they should prefer. George Micklejohn was paroled to Perquimans, and James Hunter to Bute. James Lowe and Robert Adams, who shot Captain Dent, were ordered to Halifax jail. Persons were appointed in the several counties to look after the families of the insurgents at their old homes or in their new ones.

Policy
towards the
ToriesC. R., X,
548, 549

Eventually, toward the end of April, it was determined that fifty-three of the number, including General McDonald and other influential Highlanders, should be removed to Pennsylvania, and others to Virginia and Maryland, where they were confined until exchanged or discharged by congress.* In view of the rigorous measures which the congress felt constrained to take with regard to these insurgents, on April 29th it issued a declaration lamenting the necessities and hardships of the occasion, and declaring to those who still remained in the State that, "We administer this consolation—that they may rest assured that no wanton acts of cruelty, no severity, shall be exercised to the prisoners. . . . We have their security in contemplation, not to make them miserable. In our power, their errors claim our pity, their situation disarms our resentment. We shall hail their reformation with increasing pleasure, and receive them to us with open arms, . . . and shall bless the day which shall restore them to us friends to liberty, to the cause of America, the cause of God and mankind. . . . Much depends upon the future demeanor of the friends of the insurgents who are left among us as to the treatment our prisoners may experience. Let them consider them as hostages for their own good behavior, and by their own merits make kind offices to their friends a tribute of duty as well as

*They were confined at Reading, Pa., and Staunton, Va.

humanity from us who have them in our power." The declaration from which this is extracted was directed to be translated into Erse, and the committees appointed in the several counties to take care of the families of the insurgents were directed to see that there was no suffering.

1776

April

The drums and colors

On the day the convention met there arrived at Halifax the wagon sent by the delegates at Philadelphia with powder, drums and colors, as ordered by the council in December. Up to this time, as far as appears, the troops of the province had used no colors. At Charleston a flag bearing a crescent was in use. At Boston, the Massachusetts troops used a flag with a pine tree, the pine tree having for a century been the emblem of that colony. On the sea, the early flag bore a rattlesnake, with the legend, "Don't tread on me." The first flag of the united colonies was made at Philadelphia and sent to General Washington, who raised it on January 2, 1776, at his headquarters at Cambridge. This flag consisted of seven red and six white bars or stripes and a field of the king's colors, red and white crosses on a blue ground. It has been said that until 1777 the snake flag was used by the southern states; but as the colors received in April were sent by the North Carolina deputies from Philadelphia after the striped flag had been made and used by Washington as the continental colors, it is surmised that they were of that pattern.

McKee's
Fredell, I.
275

The flag

The red and
white bars

To supply the money needed in the military operations, congress directed the issue of \$1,000,000 in notes, and resolved that a tax should be laid on the poll, beginning in the year 1780, to retire that issue; and appropriations were made to pay all the soldiers, militia and others that had been in the service of the province, and for arms and equipments. Commissioners were also appointed to procure sulphur, salt-petre, and salt, and to establish ironworks and foundries on Deep River.

War
measures

On the water

The Cape Fear and Chesapeake Bay being closed, and Beaufort frequently visited by British cruisers, the importance of Ocracoke Inlet as a channel of commerce became

1776
C. R., X,
353, 361, 371
640-642

Importa-
tions.

greatly increased. The enterprising merchants of Edenton and New Bern and of the village of Washington on the Pamlico despatched vessel after vessel abroad, whose return cargoes of salt, powder, cannon and other munitions of war and necessities contributed largely to supply the needs of the public. The firms of Hewes & Smith, at Edenton, and John Wright Stanly, at New Bern, took the lead in this hazardous enterprise. Their patriotism and unflinching activity proved of great advantage to the American cause. Others also engaged in the same work, and besides trading vessels, there were fitted out privateers to prey on British commerce, while the State itself constructed armed cruisers for the public service. At Wilmington the *George Washington* was built; at New Bern, the *Pennsylvania Farmer*; at Edenton, *King Tammany*; while the *Heart of Oak*, the *Polly* and other vessels were granted letters of marque as privateers.

C. R., X,
550

The war on
the water

In order to interrupt importations through Ocracoke, Dunmore sent two armed sloops, the *Lily* and the *Fincastle*, to seize such vessels as might be there; and on April 14th the *Lily* captured the schooner *Polly*, removed part of her cargo and left a prize crew in charge of her. But the patriots were not idle. Three days later a number of armed men, in five whaleboats, captured the *Lily* and retook the *Polly*, the Whigs showing as much enterprise and skill on the water as on the land.

Because considerable importations were made through this channel for the benefit of Virginia as well as for the Continental Congress, of which Hewes was one of the most efficient agents, it was thought that Virginia should aid in keeping Ocracoke open. Application was therefore made to that province to fit out two armed vessels to act in conjunction with those equipped by North Carolina. The suggestion was acted on promptly, and two large row-galleys were built at South Quay by Virginia, one of which afterward came into possession of North Carolina.

The Tories

C. R., X,
592, 594

In different parts of the province the disaffected element made manifestations of their Toryism. In Edgecombe a

body was dispersed by a party of Whigs under John Johnston; and the Committee of Safety of Rowan thought it well to disarm some of the inhabitants of Muddy Creek. But, on the other hand, that committee was cheered by patriotic resolutions signed by a number of ladies of Rowan, as had been the committee of Mecklenburg by resolutions entered into somewhat earlier by the young ladies of that county, that they would not receive the addresses of young gentlemen except the brave volunteers who had served in the expedition against the Scovellites. The women of the west were as resolute as the men.

The difficulties of enrolling the militia who were to turn out and supplying them with arms was forcibly stated by Colonel William Bryan, of Johnston, who was almost in despair from the adverse circumstances that surrounded him. He added: "We have several obstinate persons in this county, and I believe they are great Tories in their hearts; they are constantly sowing sedition in the minds of the people. I should be glad if the light horse could be directed to take a turn through our county. I believe if there could be a few of the heads of them subdued it would be of great service to the county. I have so little dependence in the militia that I don't think convenient to undertake to subdue them that way."

Route,
Sketches of
North
Carolina,
511

C. R., X,
611

Four new battalions

In view of the pressing necessity for more troops, the congress now raised four additional continental regiments, assigning to their command Jethro Sumner, Thomas Polk, Edward Buncombe, and Alexander Lillington. The period for which the minute men were enlisted having expired, some of the officers of that organization were transferred to these new regiments, among them Colonel James Thackston becoming lieutenant-colonel under Colonel Polk. Three companies of light horse were also raised, commanded respectively by John Dickerson, Martin Phifer, and James Jones. An artillery company was directed to be organized by Captain John Vance. To protect the coast, five companies were embodied and stationed from Currituck to the Cape Fear. Two battalions of militia, seven hundred and fifty men

Additional
require-
ments

1775
—,~

each, were directed to be raised in the eastern districts, one to be under the command of Colonel Thomas Brown and the other under Colonel Philemon Hawkins. These battalions, the Second Continental Regiment, and all the recruits enlisted for the new regiments were ordered to report immediately to General Moore on the Cape Fear.

C. R., X,
561

The militia

A new system was devised for the militia. The companies of the militia in the several counties were to consist of not less than fifty men. Each company was divided into five divisions. One of these consisted of the aged and infirm, the other militiamen being apportioned to four divisions, that drew lots to ascertain when they should go on duty, and were severally known as number one, two, three, and four, accordingly. Each county had its militia field officers; and the province was divided into six military districts, a brigadier-general being appointed for each. In his own district the brigadier took rank of the others. The militia was not to be under continental officers, except when ordered by the civil power to join the continental troops, and then the continental officer of equal rank took command.

C. R., X,
563The forces
embodiedC. R., X,
563

On May 6th, because of information from General Moore, the congress directed the generals of the province to call out their militia and hasten to join General Moore, and ordered General Ashe to take command of the re-enforcements upon their arrival in his district. The generals elected by the congress were Allen Jones, for the Halifax district; John Ashe, Wilmington; Edward Vail, Edenton; Griffith Rutherford, Salisbury; Thomas Person, Hillsboro; and William Bryan, New Bern.*

Vestrymen
to take the
test oathC. R., X,
554

Notwithstanding the military matters that were pressing on the attention of congress that body realized the necessity of making provision for the civil life of the province. On May 1st it resolved that all vestries elected in every parish, having taken the test adopted on August 23, 1775, should proceed to parochial business, and where no election had taken place on Easter Monday, April 8th, the freeholders were directed to meet in July and elect vestrymen, who should qualify themselves by subscribing the test. Con-

*Richard Caswell was at first chosen brigadier-general of the New Bern district, but did not serve.

formably to this resolution, the vestry of Edenton on June 10th met and signed the test, as probably did all the other vestrymen chosen throughout the province, and as all the committees and other officers were required to do. It was the duty of the vestrymen in every county or parish to look after the poor and attend to much business not of an ecclesiastical nature.

1776

Members of the congress of April, 1776, that declared for independence, April 12, 1776

For Anson County—Daniel Love, Samuel Spencer, John Crawford, James Picket and John Childs.

Beaufort—Roger Ormond, Thomas Respis, Jr., and John Cowper.

Bladen—Nathaniel Richardson, Thomas Robeson, Maturan Colvill, James Council and Thomas Amis.

Bertie—John Campbell, John Johnston and Charles Jacocks.

Brunswick—

Bute—Green Hill, William Alston, William Person, Thomas Sherrod and Philemon Hawkins.

Craven—James Coor, Lemuel Hatch, John Bryan, William Bryan and Jacob Blount.

Carteret—William Thompson, Solomon Shepard and John Blackhouse.

Currituck—Samuel Jarvis, James White, James Ryan, Gideon Lamb and Solomon Perkins.

Chowan—Samuel Johnston, Thomas Benbury, Thomas Jones, John Bap. Beasley and Thomas Hunter.

Cumberland—David Smith, Alexander McAlister, Farquard Campbell, Thomas Rutherford and Alexander McCoy.

Chatham—Ambrose Ramsay, John Thompson, Joshua Rosser, Jeduthan Harper and Elisha Cain.

Duplin—Thomas Gray and William Dickson.

Dobbs—Richard Caswell, Abraham Sheppard, George Miller, Simon Bright and William McKinnie.

Edgecomb—William Haywood, Duncan Lemon, Elisha Battle, Henry Irwin and Nathaniel Boddie.

Granville—Thomas Person, John Penn, Memucan Hunt, John Taylor and Charles Eaton.

Guilford—Ransom Southerland, William Dent and Ralph Gorrill.

Hyde—Rotheas Latham, Joseph Hancock, John Jordan and Benjamin Parmele.

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Hertford—Robert Sumner, Matthias Brickle, Laurence Baker, William Murfree.

Halifax—John Bradford, James Hogan, David Sumner, Joseph John Williams and Willis Alston.

Johnston—Samuel Smith, Jr., Needham Bryan, Jr., and Henry Rains.

Mecklenburg—John Phifer, Robert Irwin and John McKnitt Alexander.

Martin—William Williams, Whitmill Hill, Kenneth McKenzie, Thomas Wiggins and Edward Smythwick.

New Hanover—John Ashe, John Devane, Samuel Ashe, Sampson Moseley and John Hollingsworth.

Northampton—Allen Jones, Jephtha Atherton, Drury Gee, Samuel Lockhart and Howell Edmunds.

Onslow—George Mitchell, Benejah Doty, John Spicer, John King and John Norman.

Orange—John Kinchen, James Saunders, John Butler, Nathaniel Rochester and Thomas Burke.

Perquimans—Miles Harvey, William Skinner, Thomas Harvey, Charles Blount and Charles Moore.

Pasquotank—Thomas Boyd, Joseph Jones, William Cuming, Dempsey Burgess and Henry Abbott.

Pitt—John Simpson, Edward Salter and William Robson.

Rowan—Griffith Rutherford and Matthew Locke.

Surry—Joseph Williams, Joseph Winston, Charles Gordon.

Tyrrell—Archibald Corrie.

Tryon—Charles McLean, James Johnston.

Wake—Joel Lane, John Hinton, John Rand, William Hooper and Tignal Jones.

Town of Bath—William Brown.

New Bern—Abner Nash.

Edenton—Joseph Hewes.

Wilmington—Cornelius Harnett.

Brunswick—

Halifax—Willie Jones.

Hillsborough—William Johnston.

Salisbury—David Nisbet.

Cambellton—Arthur Council.

CHAPTER XXX

THE COUNCIL OF SAFETY, 1776

Attempt to frame the Constitution.—Fundamental principles.—The problems involved.—The temporary government.—Congress adjourns.—The first invasion.—General Lee.—Clinton's disappointment.—The fleet arrives.—The ardor of the Whigs.—Clinton offers pardon.—No hostile movement.—The descent on Brunswick.—The regiments land.—The fleet sails.—The Council of Safety.—The attack on Fort Moultrie.—North Carolina's gallant troops.—Affairs at home.—The Continentals.

Attempt to frame a constitution

On April 13th the congress, now flushed by the desire of independence, appointed a committee composed of Johnston, Harnett, Thomas Jones, Nash, Burke, Allen Jones, John Johnston, Thomas Person, Sam Ashe, Samuel Spencer and nine others to prepare a temporary civil government. The committee seems to have at once undertaken to cast a permanent constitution. A majority of the committee favored the establishment of a purely democratic form of government, the governor, judges, and all other officers being chosen by the people, and every freeman having the right of suffrage. They were probably led to urge this departure from the old system not merely from the advocacy of the "inherent and unalienable rights of man," but with the hope and expectation that it would gain for the new government the support of the landless Highlanders and of others not freeholders, and of the Regulators, who were dissatisfied with the colonial regulations that had proved so oppressive in their practical operation.

This desire to extend suffrage is said to have been the rock on which the public men split. As yet there was no curb to the will of the legislative body. Never had a court declared any legislative action a nullity. Once elected and in possession of power the Assembly could extend its sessions and

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C. R., X,
515

April

A pure
democracy
advocated

Jones's
Defence,
277, 278

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Divergen-
ciesApprehen-
sionsMr. Ree's
Iredell, I,
276Jones's
Defence,
278, 279

exert arbitrary sway, ignoring all limitations and every restriction that might be embodied in the constitution; and it was apprehended that a judiciary dependent on the will of the people would lack that stability and independence which constitute the safeguard of personal rights and of property. The fundamental principles on which the new government was to be founded thus became a matter of the gravest concern. Divergencies at once arose. There were those who proposed to give the fullest recognition to the rights of the people as a source of all power, and others who deemed it wiser and more prudent not to inaugurate such a change in the administration of affairs as this would necessarily involve. Theretofore suffrage had been limited to freeholders; and the judiciary was appointed. Samuel Johnston, who had been the most influential man in the province, felt that the despotism of a democracy was to be feared, and that a judiciary resting on the popular will, with the judges not independent, but courting popularity, would be intolerable; and he was determined in his opposition to the establishment of a government without any practical limitation to its powers, and with the tenure of all the great offices dependent on the favor of the inhabitants generally. In his view those who advocated this system were "already entering on the race for popularity," and he apprehended that the greatest evils would result from such a plan of government. Instead of a pure democracy, he urged the establishment of a representative republic, with annual elections to hold the legislature in check. Educated in New England, he was a thorough republican. But he agreed with John Adams, who had written a dissertation on government advising the establishment of new constitutions on the very principles that Johnston advocated. He would not yield. On April 17th he wrote: "I must confess our prospects are at this time very gloomy. Our people are about forming a constitution. From what I can at present collect of their plan, it will be impossible for me to take any part in the execution of it."

Being overborne, on the 18th he withdrew from the committee; but the next day Thomas Jones, also a conservative, but not so avowed in his principles as Johnston,

notified him that the disagreeable difficulty which had interrupted the harmony of the committee had been adjusted, and invited him to meet the other members that evening.

And again, on April 20th, Johnston wrote: "We have not yet been able to agree on a constitution. We have a meeting on it every evening, but can conclude on nothing; the great difficulty in our way is how to establish a check on the representatives of the people, to prevent their assuming more power than would be consistent with the liberties of the people, such as increasing the time of their duration, and such like. . . . Some have proposed that we should take up the plan of the Connecticut constitution for a groundwork, but with some amendments, such as that the great officers, instead of being appointed by the people at large, should be appointed by the Assembly; that the judges of our courts should hold their offices during good behavior. After all, it appears to me that there can be no check on the representatives of the people in a democracy but the people themselves; and in order that the check may be more efficient, I would have annual elections."

17-6
M. Ree's
Ire. col., I,
2-6, 277

Up to that time there had been no new constitution adopted in any province except alone South Carolina. The people of Connecticut were then living, and continued to live until 1818, under the charter granted in 1662 by Charles II, by which the governor and twelve assistants and the general assembly were chosen by a majority of the freemen of the colony; but the governor and his assistants were empowered to erect courts and appoint judges and otherwise administer public affairs. On March 26th South Carolina had adopted a constitution to regulate the internal polity of the colony "until an accommodation of the unhappy differences between Great Britain and America can be obtained." By it the electors were to be the same as under the old laws, and they were to choose members of the general assembly, who were to select out of themselves a legislative council to form a separate and distinct house, with equal legislative power as the Assembly itself; and these two houses were to choose a president of the province and a council of state. A printed copy of this constitution was obtained by the North Carolina congress. On April 28th Thomas

The
constitution
of South
Carolina

1776

McRee's
Iredell, I,
277, 278The first
outline

Jones wrote: "The constitution goes on but slowly. The outlines of it made their appearance in the house for the first time yesterday, and by the last of this week it probably may be finished. The plan as it now stands will be subject to many alterations; at present it is in the following manner: First, a house of the representatives of the people, all free householders of one year's standing to vote; and second, a legislative council, to consist of one member from each county in the province, to sit as an upper house; and these two houses are to be a check on each other, as no law can be made without the consent of both, and none but freeholders will have a right to vote for the members of this council. Next, an executive council, to consist of the president and six councillors, to be always sitting, to do all official business of government. . . . The president and council to be elected annually, as also the Assembly and legislative council." The judicial system apparently had not been agreed on.

The con-
stitution
postponed

Johnston had so far prevailed that there were to be annual elections of assemblymen; and at least one branch of the Assembly was to be elected by freeholders. For two days this outline was debated by the convention in committee of the whole, but the divergencies were pronounced and other matters required attention, so on April 30th the subject was postponed until November; and a new committee, composed, however, of some of the same members, was directed to report a temporary form of government until the end of the next congress. Although Johnston was not a member of the new committee, his relations with it were so close that on the second day after its appointment he wrote: "Affairs have taken a turn within a few days past. All ideas of forming a permanent constitution are at this time laid aside. It is now proposed for the present to establish a council to sit constantly, and county committees to sit at certain fixed periods, but nothing is concluded." Ten days elapsed before the report of the new committee was considered by the house. Then, as Johnston had indicated, a Council of Safety was appointed to sit from day to day at such places as they should think prudent and proper. The Provincial Council and the district committees were abolished.

McRee's
Iredell, I,
279C. R., X,
579The Council
of Safety

As before, the members from each district selected two members and the congress one. But now Willie Jones, a leader among those who differed with Johnston, was selected by the congress in his stead. The other changes were: Nash, Kinchen, Spencer, and Avery gave place to Simpson, Rand, Hezekiah Alexander, and William Sharpe, while J. J. Williams filled the vacancy for Halifax.

Having on May 12th made this provision for the administration of provincial affairs, two days later the congress adjourned. Although it was a reasonable inference that those who opposed the views of Samuel Johnston were in the majority in the body, yet when it became necessary for him to leave the chair, on May 2d, Allen Jones, also a conservative, was elected vice-president; and on its adjournment the congress, in tendering thanks to its president for his faithful discharge of his duties, was particular to add that he had "in that, as in all other stations, approved himself the firm and liberal patron of liberty and a wise and zealous friend and asserter of the rights of mankind." But when Johnston left the hall it was not to return as a representative until the differences of that period had faded from memory.

1776
C. R., X.
551

Samuel
Johnston

C. R., X.
550

The first invasion

Toward the end of January General Clinton was detached from the British army at Boston with a small command to conduct operations elsewhere. When his departure became known, General Charles Lee was directed to repair to New York, his supposed destination. They arrived at that point on the same day, February 4th, but Clinton openly avowed that his expedition was intended for North Carolina. Such an avowal was received with doubt. On his sailing from New York, the Continental Congress created the Southern Department, assigned the command to General Lee, and on March 1st, appointed Moore and Howe brigadier-generals. Lee hastening to Virginia reached Williamsburg simultaneously with Clinton's arrival in the Chesapeake. The British general lingered with Dunmore until early in April, when he joined Governor Martin below Brunswick; still it was apprehended that the real point of attack would be Virginia,

1776

Moore and
Howe Brig-
adiers

Lee joins
Howe in
Virginia

1776

and Lee remained there a month making preparations to meet it.

May

Already were there many vessels in the Cape Fear harbor, drawn together in connection with the intended invasion, but week after week passed without the arrival of Sir Peter Parker's fleet bringing Cornwallis and his seven regiments of regulars. A succession of disastrous storms had delayed the vessels. Nor was this the only disappointment of the British commander. Instead of the promised support from the interior, instead of an army of Loyalists ready to co-operate, he found a hostile force awaiting him, and that the unexpected catastrophe that had befallen McDonald necessitated an entire change of plans.

C. R., X,
556Lee re-
ceived at
HalifaxThe fleet
arrives

Lee, following Clinton, had himself started southward, preceded by General Howe, directing Howe's North Carolinians under Major Patten and Muhlenberg's Virginia regiment to follow. On May 21 Howe reached Halifax, and on the floor of the house, pursuant to a resolve of the congress, the president returned him thanks for his conduct during the whole of the late dangerous, important, and critical campaign, and more especially for the reputation the North Carolina troops acquired under his command. General Lee was then approaching the border, and Colonel Long was directed to receive him at the boundary with a detachment of troops and escort him to the congress. From Halifax the general passed on to New Bern, making himself acquainted with the condition of affairs in the province.

S. R., XI,
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At length, about May 1st, the grand fleet began to arrive in the harbor, and all doubt about its destination being now removed, Moore despatched the news to the congress at Halifax. That body at once ordered all the continental battalions to report to General Moore, and in addition to the battalion that had been raised for Colonel Brown, a draft of fifteen hundred more militia was made from the eastern districts, those from Halifax and Edenton being assigned to the command of Colonel Peter Dauge. No drafts were made from the western districts, because of a particular purpose of importance at that time, but the western regiments were to hold themselves in readiness. This doubtless was to have a reserve force near at hand to suppress

any further rising by the Tories. The Whigs of North Carolina now displayed a glorious ardor, and rushed with impetuosity to the scene of the expected conflict. Soon it was estimated that the patriot force collected on the Cape Fear numbered ninety-four hundred men, all but the continentals being under the command of General Ashe. The approaches to the town were fortified, and vessels were sunk in the channel a few miles below to prevent an attack by water. Every preparation was made for stubborn resistance.

It had been announced that the king, ignoring the Continental Congress, would send commissioners to treat with each province separately, and it was thought that these commissioners might come with the fleet. North Carolina, spurning the suggestion that she could be detached from the general cause of America, resolved that "if such commissioners should arrive in this province, unless with a commission to treat with the Continental Congress, they should be required to return immediately to their vessel; and if at any time thereafter they should be found on shore they should be seized and sent to congress." But these commissioners did not come with Sir Peter Parker. Later they landed at the north after independence was declared, but their errand was bootless.

After full consultation with Governor Martin, and, indeed, with Governor Tryon at New York, as to the best course to be pursued to detach the people from the revolutionary government in North Carolina, General Clinton on May 5th issued a proclamation inveighing against the tyranny of the congresses and committees and entreating the people to avoid the miseries attendant on civil war by a return to the blessings of a free government. He offered pardon to all who should submit to the laws except alone Cornelius Harnett and Robert Howe. Howe had given great offence to Martin by preparing the address to the king in 1774 and procuring it to be sent through Governor Tryon instead of Governor Martin; he had also been among the very first to form companies and train the people to arms, and had expelled Dunmore from the soil of Virginia as the previous year he had assisted in driving Martin from the soil of North Carolina. In this last enterprise Harnett also had been a conspicuous

1776

Prof. Notes.
C. R., X,
xiii

May

Prepara-
tions for
defence

The king's
commis-
sioners

C. R., X,
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Clinton's
proclama-
tion

Harnett and
Howe ex-
cepted from
pardon

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The badge
of honorMoore and
Ashe readyJones's
Defence,
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of Orton
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396, 398Martin,
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Carolina, II,
390, 391

actor, and now he was the president of the State when congress was not in session and at the head of the revolutionary government. The exception of these two patriots from the tender of pardon served only as a badge of honorable distinction, endearing them still more to the patriot of North Carolina. Two days after issuing this proclamation Clinton landed two regiments and made a reconnoissance in force into the interior, without, however, bringing on any engagement. Moore and Ashe held their forces well in hand ready for any emergency. They prepared to contest any advance Clinton might make; but days passed without any hostile movement. Besides the direct route into the interior, there was another, which it was feared the British might take, and three hundred and fifty horsemen guarded that road to give warning of such a movement and to impede it should Clinton make the venture. A hundred vessels lay at the entrance of the harbor opposite Fort Johnston, and a detachment of continentals, a hundred and fifty men, under Major William Davis, of the First Battalion, was stationed near Brunswick to hold marauders in check. Their headquarters were established at the mill of the Orton plantation, in the vicinity of the town. On Sunday, May 12th, between two and three o'clock, Cornwallis hastily threw ashore nine hundred troops, with the purpose of surprising and capturing that post. Vigilant sentries, however, watched the enemy, and these resolutely opened fire, giving the alarm, and Major Davis removed his stores and provisions and withdrew his detachment by a timely movement. Cornwallis, nevertheless, lost one man killed, several wounded, and a sergeant of the Thirty-third Regiment, who was taken prisoner. Foiled in his purpose, his lordship burned the empty mill, and after remaining some hours in the village of Brunswick, he ravaged the neighboring plantation of General Howe, carrying off some twenty bullocks as the reward of his enterprise. Three days later five of the British regiments went into quarters at Fort Johnston and one on Baldhead, leaving one on board the ships. The larger part of the American forces remained near Wilmington ready for any movement, while a considerable body was encamped some two or three miles from the

enemy near Fort Johnston. Thus matters stood day after day during that period of apprehension and anxiety, but Clinton made no movement.

1776

It being known that the Tories had been disarmed, no aid was expected from them should a column be thrown into the interior: and it was apprehended that any attempt at subjugation would result in a protracted campaign, which might not be terminated before the troops would be needed for more important movements then in contemplation. And in that event the withdrawal of the force, with subjugation not completed, would have the appearance of defeat, entailing worse consequences than would attend making no immediate effort to subdue the inhabitants. Influenced by these considerations, General Clinton deemed it inadvisable to begin at that time operations in North Carolina, and determined to use the army in connection with the war vessels to reduce Charleston. So toward the end of May the fleet sailed, coming to anchor off that harbor on June 7th.

Operations
abandonedC. R., X,
653The fleet
sails

Governor Martin accompanied Clinton, but there were left on the station several vessels, one of which, the *Jenny*, was the abiding place of a considerable number of Tories, who, deserting their habitations, had sought protection with the fleet. Among these were persons instructed by the governor to maintain a correspondence with the Loyalists of the interior and give them every possible encouragement during his absence. Governor Martin continued with General Clinton during the siege of Charleston, and accompanied him later on his return to the north.

The Jenny

C. R., X,
653, 654

The Council of Safety

While the British army was still in the harbor, it was considered that the Council of Safety should convene at Wilmington, and the members met there on June 5th, and Cornelius Harnett was unanimously chosen president.* The immediate danger had then passed. But affairs were in a

C. R., X,
612

*Some writers have erroneously supposed because Sam Johnston and Willie Jones were chosen to represent the province in the Council of Safety that they presided in the council, but not so. Harnett was chosen to preside over both bodies. He was president of the Sons of Liberty in the six counties of the Cape Fear in 1770, and doubtless from their organization in 1765.

1776

turmoil. There were some outlying malcontents, concerned in the insurrection, now in the swamps of Bladen, who sent information to General Ashe that they were desirous of submitting themselves to the council; and it was resolved that they would be allowed to return to their homes on taking an oath to fight when called on in the American cause.

C. R., X,
648To suppress
dissatisfac-
tion

Efforts to inflame the minds of the people in Edgecombe and Dobbs were so important that Colonel Sheppard was directed to call out as many of the militia as were necessary to arrest those who were endeavoring to dissuade the people from sustaining the congress; similar action was taken with regard to Johnston County, while in Cumberland two companies of light horse were placed under the control of Colonel Folsome to maintain the authority of the congress.

Coal and
iron on
Deep River

The council continued its efforts to provide munitions of war, and also a supply of salt, so absolutely necessary for the soldiers as well as the inhabitants; and an arrangement was made for the use of Wilcox's bloomery and forge on Deep River, some thirty miles south of Hillsboro, where good iron was produced from ore beds. The presence of coal in the immediate vicinity and the great profusion of natural supplies led the commissioners to report: "Upon the whole, nature has poured out with a bountiful hand on that part of our country everything necessary for the establishment of an extensive iron manufactory."

C. R., X,
649Armed
vessels fitted
out

The brig *Pennsylvania Farmer*, which had been equipped under the orders of congress, lay then at New Bern, and the council directed that she should be armed with eight of the cannon lately imported; and Richard Ellis, of New Bern, applied for letters of marque and reprisal for his armed sloop, the *Heart of Oak*, of seventy tons burden; and George Dennison, the captain of the vessel, was given letters permitting him to act against the enemies of the thirteen united colonies; and Edward Tinker, captain of the armed schooner *Johnston*, belonging to John Green and others, of New Bern, was also given letters of marque. Vessels were constantly arriving through Ocracoke with arms and munitions, one, the *Little Thomas*, having brought in twenty pieces of cannon.

Several of the prisoners who had been sent to Philadelphia

and Virginia having made their escape and returned to their homes, now began using their utmost influence to infect others with their Tory principles; among them were Dr. Pyle and his son John. Colonel Folsome, in command in Cumberland, was directed to march with a party of horse, with the utmost secrecy, and to arrest them again. There were many other evidences of disaffection, and to counteract those influences required prompt action on the part of the busy members of the council, who were under a great strain because of the public affairs, much being of a delicate nature, that pressed upon them.

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C. R., X.
631Dr. Pyle
escapes

The attack on Fort Moultrie

On the departure of the fleet from the Cape Fear, Lee hastened to Charleston, accompanied by Howe, where he arrived early in June. Moore remained at Wilmington, but two continental regiments under Nash and Martin reached Charleston on June 11th, followed later by the Virginia regiment and the Third and Fourth Continentals, not then needed at Cape Fear. A rifle regiment raised at the west likewise repaired to Charleston. Felix Walker, afterward long a member of congress from the Buncombe district, says in his "Autobiography": "I was appointed lieutenant in Captain Richardson's company in the rifle regiment. I returned to Watauga and recruited my full proportion of men and marched them to Charleston in May, 1776, joined the regiment, and was stationed on James Island."

June

North
Carolina
Continental
at
Charleston

When the fleet dropped anchor off the bar the Charlesonians barricaded their streets and prepared to defend the wharves of the city, and soon troops were stationed on the outlying islands enclosing the harbor. Colonel Moultrie began working night and day constructing a fort on the end of Sullivan's Island by bolting palmetto logs together for walls, with sixteen feet of sand between them. Week after week passed and no attack was made, so that toward the end of June the front of his fort was well finished and thirty odd guns were mounted in it. But powder was scarce, and there were hardly twenty-five rounds of ammunition for the guns. On the northeast of that island lay Long Island, a naked sand bank, and there Clinton landed more than three

Fort
Moultrie
begun

1776

Clark's
battalion

thousand troops, intending to cross the narrow intervening waters and thus gain possession of Sullivan Island. To resist his advance Colonel Thompson, of South Carolina, was stationed at that end of Sullivan's Island with three hundred of his own riflemen, two hundred of Clark's North Carolina regiment, two hundred more South Carolinians under Horry, and with some light pieces on his flank; while Nash, for whom Lee had conceived a high opinion, was placed to defend the rear of the fort, which was unfinished, and a post of great consequence.

June 28th,
Battle of
Fort
Moultrie

After much fortunate delay, in the early morning of June 28th the fleet approached the fort and the battle began. The British brought into action ten times the number of guns that Moultrie could use, but made no impression on the palmetto fort. A flag of blue with a white crescent emblazoned with the word "Liberty" proudly floated over the rampart. In the torrent of balls the staff that bore it was severed, but as it fell Sergeant Jasper heroically seized the standard and again raised it on the bastion next to the enemy. The attempt to pass from Long Island was no more successful than the attack on the water. The brave Americans drove the infantry back on two occasions, and the assault both on land and sea was a signal failure. The slow and skilful fire of Moultrie drove off the fleet and destroyed several frigates, the *Bristol* losing 40 men killed and 71 wounded and the *Experiment* 23 killed and 56 wounded; while the American loss, after ten hours of incessant conflict, was but 11 killed and 26 wounded. Repulsed, defeated, the army re-embarked on the vessels and the contest was over. A more glorious victory was hardly ever won, and the tidings flew from colony to colony, reaching Philadelphia just after the deputies in congress had signed the Declaration of Independence, and causing great joy throughout America.

A glorious
victoryC. R., X,
618cConduct of
the North
Carolina
troops

While Moultrie's gunners were heroes the infantry likewise won great applause. Of the gallant conduct of Clark's North Carolinians, Lee expressed himself in the highest terms, saying: "I know not which corps I have the greatest reason to be pleased with, Muhlenberg's Virginians or the North Carolina troops: they are both equally alert, zealous, and spirited." Twice the enemy attempted to land, "and

twice they were repulsed by a Colonel Thompson, of the South Carolina rangers, in conjunction with a body of North Carolina regulars. Upon the whole, the South and North Carolina troops and the Virginia rifle battalion we have here are admirable soldiers."

The Council of Safety had directed the county committees to call on every person suspected of Toryism to render an inventory of his estate, and in case of neglect, the commanding officer of the county was ordered to bring the suspected person before the board. This order, contemporaneous with the glorious news of the repulse of General Clinton at Charleston, which created wild enthusiasm among the Whigs, caused a great commotion among the Loyalists, and they flocked in to sign the test and association.

Tories dismayed

C. R., X,
666

After the repulse of the British fleet by Fort Moultrie, General Clinton still lingered at Charleston, threatening Savannah, and it was apprehended he might yet return to the original plan of subjugating North Carolina. Toward the end of July, however, he abandoned his design against the southern colonies and sailed northward. When this became known, early in August, General Ashe discharged the militia brigade from the districts of New Bern, Halifax, and Edenton, reserving only a part of the Wilmington brigade in active service. A British force of fifteen vessels still occupied the lower harbor and held Baldhead, remaining there all summer, watched, however, by General Moore and by the continentals and the militia remaining in the service. Hardly had Clinton departed before General Lee began to organize an expedition into Florida, being accompanied by General Howe, the Virginia regiment, the Third North Carolina Continentals, and some companies of the First and Second regiments. But in September, having been ordered north, General Lee departed, leaving Howe in command. The troops in lower Georgia suffering much from sickness, fourteen or fifteen men dying every day, Howe thought it best to relinquish the enterprise, and returned to Charleston. During the fall the other continental regiments were held by General Moore on the North Carolina coast, and efforts were made to complete the organization.

C. R., X,
858

CHAPTER XXXI

INDEPENDENCE

Independence declared.—Lee's resolution.—The declaration.—The North Carolina deputies.—The declaration proclaimed.—The address of the council.—Religious teachings in Anson.—James Hunter a patriot.—The Indians hostile.—Rutherford crosses the mountains.—Washington district annexed.—The movement against the Indians.—Rutherford successful.—The Surry regiment.—Moore's expedition.—The Tories active.—Salt-making.—The British abandon Cape Fear.—A winter campaign threatened.

Independence declared

1776

May 27th,
The North
Carolina
resolution
presented

Some three weeks after North Carolina had instructed her deputies to concur in declaring independence the Virginia convention met, and on May 15th adopted a resolution directing her deputies to propose independence. On the same day Boston and a majority of the other towns in Massachusetts, in their town meetings, instructed their local representatives to the same effect. On May 27th Joseph Hewes, then the only North Carolina deputy in attendance on the Continental Congress, presented the North Carolina resolution, and immediately the Virginia instructions were also presented. These resolves and the action of the Continental Congress on May 15th, declaring that it was irreconcilable with good conscience for the people to take oaths to support government under the Crown, and that the powers of government should be exerted under the authority of the people, brought the subject of independence sharply to the attention of the other colonies, and the leaven had begun to work. Yet nearly two weeks elapsed before there was any movement. Then, on June 7th, Richard Henry Lee offered in congress a resolution "That these united colonies* are and of right ought to be free and independent States."

June 7th,
Independence
proposed

*The expression "hath, and of right ought to have," the original of this phrase, is found in the reply which the English Commons made to King James I when he communicated his unsatisfactory answer to their "Remonstrance de droit." Rushworth was studied by the American leaders for precedents.



Samuel Johnston
1754-1806



William Hooper
1752-1810

1. SAMUEL JOHNSTON
3. JOHN PENN

2. WILLIAM HOOPER
4. JOSEPH HEWES

This resolution, so fraught with momentous consequences, was not considered that day; but, postponed until the next morning, it was debated until the 10th. Hewes, speaking for North Carolina, was unalterably fixed and urgent in favor of immediate action.

1776

June 10th.
Pancroft's
Hist. U. S.,
IV, 424

A bare majority of the colonies favored Lee's resolution. New York, New Jersey, Pennsylvania, Delaware, Maryland, and South Carolina were not prepared to support it, and its further consideration was, by a vote of 7 to 5, postponed until July 1st. Hewes casting the vote of North Carolina against the postponement. By that date it was hoped that new instructions might be received from the provinces that still held back. To lose no time, a committee was appointed to prepare a declaration of independence, and another committee was directed to draft a plan of confederation, Hewes being a member of the latter.

Jefferson's
Works, I, 12
et seq.

Seventeen days slowly passed, and then, on June 28th, a draught of the Declaration was reported to the house, where it lay on the table awaiting the decision on Lee's resolution. At length July 1st arrived, and that resolution was again taken up for consideration. Maryland and New Jersey had in the meanwhile given in their adherence. From Delaware only two members were present, and they divided, so the voice of that colony could not be recorded. The delegates from New York, having no instructions, asked leave to retire. Pennsylvania and South Carolina alone voted in the negative. At the request of Rutledge, of South Carolina, hoping for unanimity, the decision was postponed until the next day.

July 1st,
Lee's
resolution

When the congress met the following morning a third member had arrived from Delaware, casting the vote of that province for the resolution; changes had been made in the Pennsylvania delegation with a like result, and the South Carolina delegates no longer withheld their assent. New York still preferred to remain silent awaiting instructions, which, however, were freely given on the 6th of that month.

July 2d,
Independence agreed
on

Thus on July 2d was finally determined, by virtually the unanimous voice of all the colonies, the great question which North Carolina had proposed on April 12th. At that time Penn, who had left Philadelphia early in April, had returned,

1776
—
and voted with Hewes for independence, but Hooper was still detained in North Carolina.

The declaration

July 4th,
Thursday

Jefferson's draught of a Declaration, which had lain on the table since June 28th, awaiting the vote on Lee's resolution, was now taken up for discussion. Every word of it was duly weighed, and the instrument was perfected. During July 2d, 3d, and until the afternoon of the 4th, the consideration of the Declaration continued, and then the instrument was agreed to. Very considerable changes were made in the draught reported by the committee, among them being the incorporation into the text of the words used by Lee that the united colonies "are, and of right ought to be, free and independent States."

Changes in
Jefferson's
draught

The North Carolina delegates

As this glorious consummation was at the instance of North Carolina, and was accomplished measurably through the cordial and zealous support of her delegation, so there was no time when her delegates were not fixed and forward in the important work of the Continental Congress. Caswell had been the soul of energy, and gained for himself the high opinion of the body. Penn, who succeeded him, was equally active and zealous. Hooper had long since cast his philosophic eye to the future, and beheld America "fast striding to independence." His sympathies, his sentiments, and his talents placed him in the front rank of its influential members. In April he gladly announced that he had found the people of Virginia desirous of independence, and that North Carolina far exceeded Virginia; that in many counties there was no dissenting voice—a condition and situation so harmonious with his own personal views that he hastened to send the information back to Philadelphia, where it was published.

Hooper's
spirit

Hewes differed from his colleagues in being a trained business man and not having followed a professional career. Yet he had been longer engaged in public affairs than either of his associates, and for years had been one of those who

1776

had given direction to political events in North Carolina. Thoroughly acquainted with commerce, connected with a mercantile house at Philadelphia, as at Edenton, familiar with affairs of the seas, he was early assigned to the Marine Committee, of which he became the principal member, discharging practically the duties of a secretary of the navy; and his mercantile houses rendered efficient aid, not merely in the course of ordinary business but in making advances for the benefit of congress. His spirit was such that he wanted to take the field, to be in camp, but his work in congress was too important for him to use the good musket and bayonet with which he had provided himself. Four days after the Declaration was signed he wrote: "What has become of my friend Hooper? I expected to have seen him ere now. My friend Penn came time enough to give his vote for independence. I send you the Declaration of Independence enclosed. I had the weight of North Carolina on my shoulders within a day or two of three months. The service was too severe. I have sat some days from six in the morning till five or sometimes six in the afternoon without eating or drinking. Some of my friends thought that I should not be able to keep soul and body together to this time. Duty, inclination, and self-preservation call on me now to make a little excursion into the country to see my mother. This is a duty which I have not allowed myself time to perform during the almost nine months I have been here." And indeed it was time, for this devoted patriot had exhausted his strength and prepared the way for his early grave.

Hewes's
great work

On March 28, 1813, John Adams in the course of a letter drew a picture in which Hewes was presented as changing his attitude toward independence. That, as related, was evidently founded on imagination, tinted by the passage of many years. The circumstances seem to show that the portrayal lacked reality. The matter of independence was not brought positively before congress until May 27th, and then by Hewes presenting the instructions of North Carolina to concur in declaring independence; and North Carolina, represented alone by him, consistently voted for indepen-

Adams in
error

1776
—
dence from the time the subject was first introduced into congress.*

Thursday in
Congress
Probably when Hewes broke the monotony of congress by presenting the instructions of North Carolina, there was a great and startling sensation, for congress was by no means prepared to act on the measure. Later in the day the Virginia instruction was likewise presented; but so out of harmony was it with the prevailing sentiment that ten days elapsed before the Virginia delegates found resolution to obey their instruction; and then, against the voice of Hewes, the matter was again deferred for three weeks longer.

C. R., X,
494, 498
It appears that as early as March 1st, Hooper, Hewes, and Penn wrote to the Provincial Congress asking instructions with respect to entering into foreign alliances, and it does not appear that any other delegates had at that time made a similar application. They seem to have been the first to move the waters. Their application on this subject utterly negatives Mr. Jefferson's aspersion, made in his old age, "that we had not a greater Tory in congress than Hooper." Mr. Jefferson imputed to Mr. Adams a failure of memory, and confessed that his own was not to be relied on. In this doubt of his own accuracy he evidently was entirely correct.

Bancroft's
Hist. U. S.,
IV, 316
Mr. Hooper proposed in the Provincial Congress of August, 1775, the articles of confederation, and, being overborne, in the Continental Congress, contrary to his own wishes, obeyed the instructions of North Carolina. That he favored independence in April, 1776, is evident. Writing to Johnston six months later, when affairs were very gloomy, he expresses the feelings of his inmost heart: "The successes of Howe have given a strange spring to Toryism. Men who have hitherto lurked in silence or neutrality seem willing to take a side in opposition to the liberties of their country. . . . Were I to choose a motto for a modern Whig it should be, 'Whatever is, is right,' and on the reverse, '*Nil desperandum*.'" Such was Hooper's spirit, to sustain all measures, to be steadfast in hope and constant in effort.

Jones's
Defence,
325, 326

*Adams must have had in mind Rutledge, of South Carolina, who changed on July 2d, deciding the measure, to the dismay of those members who still feared to take this final step.

In the congress he, with Franklin, Morris and Lee, formed the Secret Committee of Foreign Intercourse elected by the suffrages of the members. No higher testimonial of implicit confidence was afforded to any of his associates.

1776

The declaration proclaimed

The council had thought it best to hold sessions at different points in the province and from Wilmington it removed to Dobbs County, and then proceeded to Halifax, opening its session there on July 21st. And now came the joyful news that independence had been declared, and the colonies were free and independent states. The day following its meeting, a copy of the Declaration of Independence was received, and the council directed that it should be read on August 1st in the town of Halifax, and that it should be proclaimed by the committees of every town and county in the most public manner.

In North
CarolinaC. R., X.
682, 688

When Thursday, August 1st, came, an immense concourse of people assembled at Halifax to witness the ceremony of a public proclamation of independence. The militia companies of the county were all drawn up in full array. At midday Cornelius Harnett, the president of the Council of Safety, ascended a rostrum erected in front of the courthouse, and the enthusiasm of the vast crowd was manifested with tremendous rejoicing. Harnett, who had ever been among the foremost in leading the way to independence, now "read the declaration to the mute and impassioned multitude with a solemnity of an appeal to heaven. When he had finished all the people shouted with joy, and cannon after cannon . . . proclaimed the glorious tidings that the thirteen colonies were now free and independent states. The soldiers seized Harnett and bore him on their shoulders through the streets of the town, applauding him as their champion, and swearing allegiance to the instrument he had read."

August 1st

Jones's
reference,
269

In Cumberland County the members of the Committee of Safety had either retired from the province or had resigned and refused to act. In that county alone the order to read the declaration appears not to have been observed, so that on August 6th the Council of Safety directed Colonel Fol-

August

1776

C. R., X,
694

some or Colonel David Smith to call a general meeting of the inhabitants of Cumberland and proclaim the declaration to the people and to the regiment stationed at Cross Creek.

Elsewhere independence was proclaimed with great demonstrations of joy. As North Carolina had been the first colony to propose it, the people now hailed it with gladness. It was the consummation of their earnest desire; and it imparted to the contest a new character. The leaders well knew that they had burned their bridges behind them; and the people, animated by a great hope, and determined to be free, with unbounded enthusiasm threw the banner of independence to the breeze.

C. R., X,
704

Because the province was now declared a free and independent State, the test prescribed by the congress in August, 1775, was changed by omitting the profession of allegiance; and the oath to be taken by witnesses was amended so as to read, "Between the independent State of North Carolina and the prisoner to be tried." The council also issued an address to the inhabitants, saying that as the congress had declared the thirteen united colonies free and independent states, it be recommended to the good people of this now independent State of North Carolina to pay the greatest attention to the election . . . of delegates to represent them in congress, and to have particularly in view this important consideration." Not only were laws to be made, but a constitution, the corner-stone of all law, and "according as it is well or ill ordered, it must tend in the first degree to promote the happiness or misery of the State."

C. R., X,
696

The council had been sorely tried by the disaffection of the Regulators, who continued to regard themselves as a separate people not allied with their fellow-citizens. Now in Anson County this defection took a novel form. James Childs, a preacher of the New Light Baptist persuasion, clothed his disloyalty in the garb of religion. He declared that it was one of the tenets of his church not to bear arms, either offensively or defensively; and he preached this doctrine in all the churches of his communion, and inculcated it by the terrors of excommunication; and he refused to take an oath of allegiance to the State. Arrested in Anson and sent to the council, he stood firmly by his doctrine. There-

C. R., X,
699

upon the council resolved that he must be considered as an enemy to the State, and he was sent to Edenton on his parole.

In view of such religious teachings, General Person and Joseph John Williams were directed, each of them, to agree with a proper person to go among the inhabitants of Anson and other western parts of the State and instruct them "in their duty to Almighty God, and explain to them the justice and necessity of the measures pursued by the United States as the only means under God of supporting and maintaining our civil and religious liberties." The remedy, however, was not entirely efficacious. In October James Perry, one of the same persuasion, having great influence among the people, from being a preacher, had likewise to be arrested in the same county and conveyed to Halifax.

But while the council was in session at Salisbury early in September a favorable change was observed, and James Hunter and Joseph Dobson made their appearance, and asked the "privileges of free citizens," declaring that they were willing to take an oath of allegiance to the State, and the council resolved that they should be considered as "free citizens and members of this State." So also Booth Boote, who, with John Dunn, had been paroled to Salisbury, having taken the oath, was admitted to citizenship; and later Dr. John Pyle and other prominent malcontents took the oath of allegiance, among them Rev. George Micklejohn, who had been paroled to Perquimans. Other action was constantly taken in the way of arresting and putting under bond or confining Tories or having them released from durance on their submission to the state authorities.

James
Hunter a
patriot
C. R., X,
793, 797, 826

The Indians become hostile

Governor Martin's plan for the subjugation of North Carolina contemplated aid from the Indians, and John Stuart, the Indian superintendent, spent several months in the spring of 1776 with the governor awaiting the arrival of General Clinton's troops. As yet he had had no instructions to employ the Indians on the frontier, but he was keeping them in readiness to act when required. Later he departed for Pensacola to be in close communication with them; and arrangements were in progress for all the tribes from the

1776

Ohio to Alabama to begin hostilities against the western borders.

The Indians
in arms

Toward the end of June fifteen Shawnees, Delawares, and Mingoes brought the war belt to the Cherokees, and it was received by the young men against the wishes of the older chiefs. Before measures had been fully arranged, bands of Cherokees, inflamed by the encroachments of the whites on the Holstein and Nolachucky, and eager for spoils, began their forays.

C. R., X,
657 *et seq.*

While the council was still at Halifax this proposed incursion of the Indians became known. In the first week in July the Cherokees had fallen on the inhabitants in South Carolina, plundered houses, killed some settlers and carried off several prisoners. Others attacked the forts on the Holstein and Watauga. Most of the settlers, however, escaped, having been warned by Nancy Ward, from Echota, she being the "beloved woman" of that Indian capital, and always, like her kinsman, Attakullakulla (the Little Carpenter), friendly to the whites. Some twenty women and children were victims of the tomahawk. Only Mrs. Bean, perhaps the wife of William Bean, the first white man to erect a cabin in that wilderness, and a boy named Moore were taken alive. The latter was burned at the stake, and Mrs. Bean was also bound to the stake ready for the burning when Nancy Ward interfered and saved her life. Unsuccessful in their assault on the forts, the Indian warriors crossed the mountains and fell on the unsuspecting families on Crooked Creek (near Rutherfordton), and, coming up the Toe, invaded the frontier of Rowan. The unheralded appearance of these murderous bands caused great consternation. On July 12th Rutherford wrote to the council that he had received an express the week before that forty

They cross
the
mountains

C. R., X,
662, 669

Indians were ravaging Crooked Creek, and that appeals were made to him for relief. He pleaded for expedition. Before twenty-four hours had elapsed he despatched another express that the Indians were making great progress in destroying and murdering in Rowan. "Thirty-seven persons," he said, "were killed last Wednesday and Thursday on the Catawba," and "I am also informed that Colonel McDowell and ten men more and one hundred and twenty women and

The massacre
on the
Catawba,
July 10-11

children are besieged in some kind of a fort, and the Indians around them; no help to them before yesterday, and they were surrounded on Wednesday. I expect the next account to hear is that they are all destroyed. . . . Three of our captains are killed and one wounded. This day I set out with what men I can raise for the relief of the district." "Pray, gentlemen, consider our distress; send us plenty of powder, and I hope under God we of Salisbury district are able to stand them."

1776
July

Rutherford acted with that energy that ever distinguished him. Within a week he was on the frontier with near twenty-five hundred men, for the western Carolinians had sprung to arms at the first call, animated by a consuming purpose to inflict heavy punishment upon their murderous foe. Among those with him were Colonel Adam Alexander and the Mecklenburg regiment, protecting the settlers on the Catawba. Leaving the main body at Old Fort, then called Davidson's, on July 20th, with a detachment of five hundred men Rutherford crossed the mountains and dislodged some two hundred braves, who had established themselves on the Nolachucky.

Rutherford
crosses the
mountains

On August 13th the council adjourned to meet at the house of Mr. Joel Lane, in Wake County, where it convened on the 21st. Cornelius Harnett being absent with leave, Samuel Ashe was unanimously chosen president. A petition was received from the settlements on the Watauga and Holstein, called by the inhabitants there "the Washington district," setting forth that about six years earlier they had begun to locate in that territory, and finding themselves outside of Virginia, had formed a court and adopted the Virginia laws, and had enlisted a company of riflemen under Captain James Robertson, stationing them on the frontier to guard against an attack by the Indians. They asked that they might be annexed to North Carolina, promising to be governed by the council and to lack nothing in the glorious cause of America. This petition was signed by John Carter, John Sevier, William Bean and others as a committee, and to it were attached more than a hundred names of settlers on the Watauga and Nolachucky, among them being David Crockett. The council directed that they should hold an

S. R., XI,
333

Washington
district
annexed
C. R., X,
701, 703-711

1776

The
movement
against the
Indians

Colonel
Williams
on the
Holstein

C. R., X.
789

Sept. 1st,
Ruther-
ford's march

Biog. Hist.
N. C., II,
384

election on October 15th and choose five delegates to represent Washington district in the congress of the State, to meet at Halifax on November 10th.

President Rutledge, of South Carolina, had earlier suggested a joint movement on the part of Virginia and North and South Carolina against the Indians. He proposed to send Major Williamson with eleven hundred men against the lower Cherokees, and that a force from North Carolina should attack the Middle towns, and, joining Williamson, should proceed against Valley River and the Hiwassee, while the Virginians should come down the Holstein and attack the Over-hill towns. The council agreed to this proposition, and directed the militia from the Hillsboro district and from Surry County to join Rutherford, while a regiment of three hundred men under Colonel Joe Williams was to cross the mountains and join Colonel Christian and his Virginians at Big Island, on the Holstein. On August 23d General Person was despatched to Rutherford's camp with particular directions, and on September 1st Rutherford, with a great cavalcade of horses bearing his provisions and ammunition, entered Swannanoa Gap and pressed forward. He took with him two thousand privates and eighty light horse, with supplies for forty days carried by fourteen hundred pack horses. To defend the frontier in his absence, he ordered three captains with a hundred and thirty men to range in Tryon, one hundred and seventy-five in Rowan, and a hundred in Surry, that then extended to the Indian line in the mountains. Among those accompanying the expedition were Colonel Martin Armstrong, Colonel Adam Alexander, Captain Benjamin Cleveland, William Lenoir, and William Gray. The Orange regiment, under Colonel Joseph Taylor, had reached his camp, but its assistance not being needed, it returned home.

Rutherford's course lay down the Swannanoa and French Broad and up Hominy Creek to Pigeon River, then to Richland Creek, and over the dividing ridge to the head of Scott's Creek, which he followed to the Tuckaseegee. He moved with such rapidity and secrecy that he passed fifty miles into the wilderness without being discovered by the Indians. The journey through the mountains was an arduous and

difficult performance. Without a road and sometimes without even an Indian trail, he led his army over tremendous mountains and across rapid streams, pursuing his way in momentary danger of ambuscade by his wily foe. But so sagacious were his movements that he had penetrated two-thirds of the distance into the forests without interruption. At length, when only thirty miles from the Middle Settlements on the Tuckaseegee, he detached a thousand men to surprise the Indians by a forced march. Soon, however, in their quiet but rapid journey, they came upon some thirty of the savages, who disputed their progress, and sent information to the settlement, which thus was evacuated when Rutherford reached it. Immediately he began the work of destruction, and speedily devastated the fields and burned every house. Then, with a detachment of nine hundred men and ten days' provisions, he hurried along the Little Tennessee and moved on towards Valley River and the Hiwassee.

1776
September

C. R., X,
560

Indian
settlements
destroyed

Williamson was to have met him at Cowee, but after devastating the Indian towns at the foothills, the South Carolinians were detained, and Rutherford proceeded alone. Missing the usual trail through Waya Gap, he crossed the Nantahala at an unaccustomed place. Five hundred braves lay in ambush at Waya, hoping to destroy his force as twenty years before they had Montgomery's. While they awaited his coming, Rutherford, pressing on, reached the head waters of Valley River. Every town on that stream was destroyed in turn, and it was as if a besom of destruction had swept over those settlements, so sudden and rapid were his movements. He had the good fortune to avoid a pitched battle, killed but twelve Indians, and captured nine. He also took seven white men, with whom he got four negroes, much leather, about a hundredweight of gunpowder and a ton of lead, which they were conveying to Mobile. His own loss was but three men.

C. R., X,
712, 861

While in the midst of this devastation they encamped, on Sunday, September 15th, at Nuckesseytown (doubtless Tuckaseegee), and there, after a sermon by Rev. Mr. James Hall, they buried one of Captain Irwin's men with due solemnity. A fortnight after Rutherford had begun his

Hunter's
Western
North
Carolina,
198

1776

C. R., X,
862

march the Council of Safety, which had adjourned to Salisbury to be in proximity to the scene of operations, despatched Colonel Waightstill Avery, with an escort, with directions to the general to send, if possible, a detachment to aid Colonel Christian against the Over-hill towns, and on his return to cut a road through the mountains for future use. A juncture was made by Colonel Williamson on September 26th on the Hiwassee; but then Rutherford's work had been thoroughly done, and the Valley Settlement had been obliterated. It was deemed impracticable to cross the Smokies and assist Colonel Christian, and they turned their faces homeward. The Indians, driven from their valleys, homeless refugees without food or raiment, sought the dark recesses of the Nantahala, some fleeing to the Over hills, but the greater number finding a temporary home with the Creeks on the Coosawatchee River. Others made their painful way to their British allies in Florida, where five hundred of them were received and supplied with food during that winter. Rutherford on his return marked his road through the mountains, which has since been known as Rutherford's Trace. Within a month from his departure he returned to Old Fort, reaching Salisbury early in October.

The Surry regiment

C. R., X,
837, 844, 892,
912

Beyond the mountains the Surry regiment, under Colonel Joseph Williams, Colonel Love and Major Winston, having joined Colonel Christian, moved cautiously along the great Indian warpath until the Little Tennessee was reached, where town after town was destroyed. So swift had been the action that the Indians, unable to resist, soon sought terms of peace. Some of the Indian head men came into camp, agreed to surrender all prisoners and to cede to the whites all the territory occupied in the Tennessee settlements. On their solemn promise that such a treaty should be made, Christian agreed to suspend hostilities. An exception was made, however, as to two towns which had been concerned in burning the Moore boy, but the peace town of Echota was not disturbed. Colonel Williams was not pleased with Colonel Christian's action, attributing his

leniency to the Cherokees to a settled policy on the part of Virginia to absorb their trade; and he recommended to the council that as the frontiers of North Carolina were inhabited far beyond the colony line, commissioners should be appointed to run the line farther west. By treaties soon afterward made the lower Cherokees surrendered all their territory in South Carolina except a narrow strip, and the middle and upper Cherokees ceded all their possessions east of the Blue Ridge, together with the disputed territory on the Nolachucky, Watauga, and New rivers.

1776

The Indian
cession

After reaching Old Fort, General Rutherford, to destroy some towns not on his route, and perhaps to aid Colonel Christian, directed Captain William Moore and Captain Harden, with the light horse of Tryon County, a hundred in number, to return to the Indian country. Leaving Cathey's fort on October 29th, they penetrated to the towns on Cowee Mountain. A detachment, pursuing the fleeing Indians to Soco Creek, "crossed profligious mountains, which were almost impassable, experiencing there a severe shock of an earthquake, reached Richland Creek Mountains, and then returned to Pigeon River."

Moore's
expedition
C. R., X.
845-222

The Tories active

Tory emissaries during the summer, and especially in August, were active, and seem to have expected that they would be joined by a great number of Indian allies. Rutherford could not take the second battalion from Rowan, "the current of Tories running strong in Guilford and Anson"; and Colonel Folsome wrote: "It is most certain they wish for nothing more . . . than an opportunity of making a head, . . . numbers would fly to join the Indians, as it is their professed declaration": while in Bladen, there were a number of deserters from the regular troops, Tories and other disaffected persons collected, whose action was so threatening that General Ashe despatched two companies under Colonel Brown to disperse them. Before Brown reached their settlement they killed Captain Nathaniel Richardson and committed other outrages, and then many of them fled into South Carolina.

C. R., X.
745, 732, 744

1776

Salt making on the coastC. R., X,
704, 720, 724,
739, 790, 840

Salt being such an indispensable necessity, unusual efforts were made to obtain a supply for the public, and Robert Williams was employed to set up salt works at Beaufort; where pans for that purpose were erected. Conferences were held with Dr. Franklin at Philadelphia as to the best process of manufacture, and salt pans were ordered from that city. All along the coast the inhabitants began with their pots and kettles to make a supply. Early in October Sam Ashe wrote from the Cape Fear: "*Te Deum Laudamus* we here at present joyfully chant forth. The vessels of war . . . took their departure a few days since, first burning two of their tenders. We have now an open port. . . . The humor of salt boiling seems to be taking place here. I have seen some boiled . . . the cleanest and whitest of any . . . I ever saw in my life; every old wife is now scouring her pint pot for the necessary operation. God send them good luck." The council gave directions for supplying the people. The quantity being limited, it was doled out. Conner Dowd was to sell salt in his possession "to the Whigs who bore arms on the late expedition against the Tories at Moore's Creek at ten shillings per bushel, not selling more than a half bushel to each man."

The British abandon Cape FearC. R., X,
737, 824, 840

During the summer General Moore remained at Wilmington. There still lingered several British vessels in the lower harbor, while a detachment of their troops was in possession of Baldhead. Toward the last of August Moore took three hundred men and departed on a secret expedition, no one having the slightest conjecture what was his purpose, unless to attack the enemy on that island. The result of the expedition is not recorded; but a month later the vessels departed, burning their tenders and the British sloop *Cruizer*, which had been on that station for several years, was the refuge of Governor Martin when driven from Fort Johnston, and now was probably so unseaworthy that she could not be removed. The ship *Jenny*, where the Tories seeking protection had found a resting place, also sailed for New York; and as these Loyalists had been or-

ganized into companies with officers by Governor Martin, on their reaching New York they were assigned to a Loyalist regiment then formed at the north.

Toward the end of September the council again convened at Halifax, and in the absence of the president, Samuel Ashe, Willie Jones was chosen to preside.

C. R., X.,
373

A winter campaign threatened

The Continental Congress having directed that two of the continental regiments should be conducted by General Moore to join General Washington, subsequently, in view of a probable winter campaign at the south, left it in the discretion of the Council of Safety to retain them in the State. The council thought it best that they should not go north at that time, and the order was countermanded.

It being believed that a southern campaign was in contemplation by the British commander, preparations were made to meet it. It was considered that the invasion would be either in Virginia or South Carolina, and North Carolina would protect herself by aiding in the defence. General Moore had with him in North Carolina five continental regiments, except about one hundred and fifty of the First and Second, these companies and the Third Regiment being with General Howe in Georgia. They were distributed at different points in the eastern part of the State, while a small detachment of the Third was at Salisbury with Colonel Martin.

C. R., X.,
350

CHAPTER XXXII

THE CONSTITUTION OF 1776

Making the constitution.—Divergencies.—The conservatives.—The results of the election.—Johnston burned in effigy.—The congress meets.—The committee moves slowly.—Proceedings in the convention.—Citizenship established.—The principles of government.—Sovereignty of the people.—The Orange instructions.—Those of Mecklenburg.—Hooper urges the Delaware plan.—In the committee room.—The draught reported.—The bill of rights.—The religious test.—Thoroughly considered.—The Virginia constitution.—A representative republic.—Public schools.—The religious test adopted.—The instrument conservative.—A new administration installed.

1776

Making the
constitution

Hardly had the Indians been subdued before the sombre shadow of a British invasion cast itself over the seaboard of the southern states, and toward the end of the year, as at its opening, the people of North Carolina looked to the future with painful forebodings of grave perils and devastation. In the midst of these disquieting anticipations they were now to ordain a constitution and government for the independent State and start out the new commonwealth on its voyage through unknown and uncertain seas. Happy would it be for themselves and for posterity were the foundations of the political edifice well and strongly laid; deplorable indeed if tyranny and despotism should find a crevice through which they might enter.

Divergencies

The first effort to frame a constitution made apparent in the summer pronounced divergencies among the public men. Johnston, Hewes, Hooper, Thomas Jones, Iredell, Allen Jones and probably Nash, Caswell and possibly Harnett and Sam Ashe might be ranked as conservatives, with varying shades of difference between them. Willie Jones, Person, Burke, Penn, Avery, the Alexanders, John Ashe, Polk, and Dr. Caldwell might be classed as advocates of a pure democracy. But there is so little on which to hazard a conjecture,

except uncertain tradition, that one hesitates to assign many of those mentioned to either side. All realized that they were severed forever from the past and were to establish a government for themselves and posterity on a republican basis. The Conservatives, Johnston and others, believed that the general features of the British system, with which they were familiar, offered the best government, freer from possible evils than any other known to history. They preferred a stable and independent judiciary, controlled only by the principles of law established by the decisions of the courts; justices of the peace and court officers also to have a stable tenure; the great officers to be appointed by the Assembly rather than by popular election, and the Assembly itself kept within bounds by annual elections.

The other extreme view looked to uprooting every vestige of the old government and the establishment of a pure democracy, with annual election of judges, clerks, and justices of the peace by the freemen of the commonwealth. Between these two extremes there were many shades of opinion. In view of the necessity of framing a constitution, on August 9th the council had prepared an address to the people, recommending that each county should choose five delegates particularly suited to represent them in this great work. Davis, the printer, was dilatory in printing this address for distribution, and Harnett expressed himself as anxiously awaiting the copies. "The advice of the council to the inhabitants has not yet got abroad," he said. "Davis ought to be hurried." Evidently he had the matter much at heart.

The election was held on October 15th. While there does not appear to have been any attempt at the organization of parties, yet here and there throughout the province opposition was manifested to the election of particular persons. At New Bern, Tisdale unsuccessfully opposed Abner Nash. Hewes was returned from Edenton as usual; Penn was not elected from Granville, strange to say; while Hooper was returned from Perquimans, as well as from Wilmington. Hewes and Hooper stood on the same line as Johnston and Iredell, while Penn was an ultra-democrat, in line with Thomas Person. Harnett was so desirous of the election

1866
October

The Con-
servatives

The
Radicals

C. R., X., 107

C. R., X., 117

C. R., X., 114

1776

October

of Hooper that he himself stood in Brunswick County, surrendering his hold on the borough of Wilmington that Hooper might be assured of a seat in the congress. Samuel Spencer, a strong democrat, was not returned from Anson. Mecklenburg added to her delegation Waightstill Avery, and Guilford, David Caldwell. There was considerable change in the personnel of the deputies, but except the changes above mentioned there was only one other notable leader not returned—Samuel Johnston. Allen Jones, John Johnston, and Thomas Jones and all the other conservatives were elected. For some reason a great effort was made to defeat Johnston, who had always been unanimously chosen to preside over the previous congresses, was in strong sympathy with the Continental Congress, and an ardent promoter of every measure tending to sustain independence: no man was more fixed than he in his American principles. No means were spared to poison the minds of the people against him personally; "to inflame their prejudices, excite alarm, and sow in them by indefinite charges and vague whispers the seeds of distrust." There was a hot and spirited canvass, resulting in Johnston's defeat: and the triumph was celebrated with riot and debauchery, the orgies being concluded by burning Johnston in effigy. While Hewes was elected from the borough, and Thomas Benbury and Thomas Jones were returned from the county, James Blount, Luke Sumner, and Jacob Hunter replaced Sam Johnston, John B. Beasley, and Thomas Hunter. Apparently James Blount was the opponent of Johnston, and succeeded in displacing him. The election and its result in Chowan led to the characterization of Johnston's opponents by Mr. Iredell as "rioters," to whom he ascribed such principles as these: "I despise every man who differs from me. I am sure he must be a Tory. I think a man more liable to be a Tory who has hitherto been most earnest in the cause." "I impute to gentlemen all our present difficulties." "I am a sworn enemy to all gentlemen." "I believe it honorable and proper to persecute poor distressed individuals when we have them in our power, provided we want courage to prove in any other manner the alacrity of our zeal against those we suppose enemies of our country." This "creed of a rioter" would

McRee's
Iredell, I,
334

C. R., X, 914

McRee's
Iredell, I,
335, 336

indicate that the principal charges against Johnston were personal, based on his wealth and lofty bearing and on some kindness to distressed persons, perhaps Tories, which was imputed to him as Toryism. There is found in it no trace of disagreement between him and his countrymen on the fundamental principles of government. The strenuous opposition to him has been attributed to Willie Jones and his friends, it being suggested that they desired to remove Johnston from his dominant position in public affairs, the more readily to secure the adoption of an ultra-democratic form of government, which he opposed; if so, his defeat was without avail.

1776
November

The congress meets

The congress met on November 12th, at Halifax, and Allen Jones proposed Richard Caswell for president, who was accordingly unanimously chosen. Theretofore all votes in the several congresses, as also in the council, had been by counties and towns; now it was determined, against the vote of the Albemarle section and the towns of Brunswick and New Bern alone, that all questions should be determined by the voice of the several members. A majority of the members were to govern, not a majority of the counties. At once the congress appointed a committee composed of the president, Thomas Person, Allen Jones, John Ashe, Abner Nash, Willie Jones, Thomas Jones, Simon Bright, Christopher Neale, Samuel Ashe, William Haywood, Griffith Rutherford, Henry Abbott, Luke Sumner, Thomas Respis, Archibald MacLaine, James Hogun, and Hezekiah Alexander to frame a constitution. In the formation of this committee the eastern members largely predominated, there being from the west only one member each from Granville, Rowan, and Mecklenburg, while Dobbs, Craven, Chowan, and New Hanover each had two members. Subsequently, however, as other members came in, there were added to that committee Waightstill Avery, Whitmel Hill, Thomas Eaton, John Birdsong, Robert Irwin, Joseph Hewes, Cornelius Harnett, William Sharpe, and John Spicer, four of whom were from the west. It would seem that where one conservative was appointed on the committee he was immediately followed by a democrat, the committee being about

C. R., X,
213

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Proceedings
in the
congress
C. R., X,
993

Additional
battalions

Criminal
courts

Bayard
75.
Singleton,
1 North
Carolina
Reports

evenly divided, and doubtless well representing the sentiments of the congress. It at once began its work, but weeks were to elapse before it completed its plan of government.

An attack on South Carolina being feared, for a large fleet bearing a considerable number of troops had sailed from New York supposed to be destined for Charleston, the congress ordered General Moore to march with the continentals for the relief of that city, and a committee was raised to consider the most speedy method of embodying five thousand militia to aid in defence. Three additional regiments of continentals were also provided for, to be commanded respectively by James Hogun, James Armstrong, and John Williams. Hooper and Hewes were re-elected delegates to the Continental Congress, but Penn now gave place to Dr. Burke, of Orange County. It is to be observed, however, that although Penn was not chosen a member by his county, nor retained in the Continental Congress, he was appointed one of the committee "to revise and consider all such statutes and acts of assembly as are in force in North Carolina, and to prepare bills to be passed into laws consistent with the new form of government." He was not entirely ignored. And Sam Johnston was named second on this very important committee, the first being Thomas Jones. A seal of State being necessary, the congress directed Hooper, Hewes, and Burke to procure one; and in the meantime the private seal of the governor was to be affixed to all grants and other public acts of the State.

To enforce the criminal laws, temporary courts of oyer and terminer were established to be held in the several districts of the State, two persons learned in law in each district being appointed by the governor to hold them. It was enacted that all of the former statutes and such parts of the common law as were not inconsistent with the freedom and independence of the State should continue in force until the next Assembly.

The royal government being subverted and a new State erected on its ruins, the people felt as if "they had been marooned on some desert island," without a constitution, government or laws, and the congress addressed itself to organizing civil affairs. All glebes and lands formerly held

by any religious society were declared vested in their owners; and the congress ordained that all regular ministers of every denomination should have power to celebrate matrimony according to the rites and ceremonies of their respective churches, they, however, observing the rules and restrictions provided by law. It was particularly necessary to establish citizenship. The congress directed the governor to offer free pardon and protection to all persons who should within ninety days take the oath of allegiance to the State, and those who refused to take the oaths were declared incapable of bringing any suit, or purchasing any lands, or transferring their lands, which were declared forfeited to the State. All persons residing within the limits of the State were held to owe allegiance; and it was declared that any one who should thereafter levy war against the State or adhere to its enemies or give them aid and assistance or intelligence shall be adjudged guilty of high treason and suffer death, and forfeit his property; but on conviction the judge might make provision out of the forfeited estate for the wife or children of the criminal; and it was declared that any person owing allegiance to the State who should deny the supreme authority of the people, or assert that those who had taken up arms were rebels, or deny the lawfulness of defending the State, or do any act tending to propagate and spread sedition, should be adjudged guilty of a misdemeanor.

1776

S. R.,
XXIII,
147, 197Citizenship
established

The principles of government

The matter of ordaining a new government had received thoughtful attention.* In every colony much consideration had been bestowed on fundamental principles. The people were embarking on unknown seas, and the principles of government were much discussed. Articles on the subject were widely circulated. It seems to have been generally considered that the legislative power ought to be vested in two

*Apparently after the failure to agree on a constitution at the previous session some one wrote to John Adams for an expression of his views, and his reply is preserved in Governor Caswell's letter-book. Governor Swain said it was addressed to Burke. We should think that it was addressed to Caswell. The constitution contains some of the principles he advocated. (N. C. Uni. Mag., 1856, 232.)

S. R., XI,
321

1776
—

bodies, not one, as in Pennsylvania; while there was difference of opinion as to whether the executive should have any legislative function. Other points of difference were as to the election of the chief executive and other great officers, whether by the people themselves or by the Assembly; and particularly as to the election and term of office of the judges; also as to the qualification of the electors. In some of the colonies all freemen could vote; in North Carolina only freeholders had enjoyed that right.

Sovereignty of the people

C. R., X,
870f

The fundamental principle of the sovereignty of the people was universally accepted. It was held that political power is of two kinds—one the principal and supreme, the other the derived and inferior; the first possessed only by the people, the other by their servants; that what is ordained by the people cannot be altered but by them; that the legislature must observe the limitations and restrictions imposed by the supreme power; and that the executive, legislative, and judicial powers are distinct and independent. These principles were embraced in a set of maxims, which doubtless were extensively disseminated throughout all the colonies. They were embraced in the instructions given by the people of Mecklenburg and of Orange for the guidance of their delegates in the congress; and, indeed, the exact agreement of the seven principles first declared in these instructions indicates that they had a common source.

The Orange instructions

C. R., X,
240, 270at,
57R

Among the Orange instructions was one to the effect that all officers should give an assurance that they "do not acknowledge supremacy, ecclesiastical or civil, in any foreign power, or spiritual infallibility, or authority to grant the divine pardon." This was in the handwriting of Dr. Burke, himself a Roman Catholic. Similarly, Mecklenburg instructed that no atheist nor any one who denied any of the Persons of the Holy Trinity, or the divine authority of the Old and New Testament, or who should be of the Roman Catholic religion, should hold any office in the State. Orange County provided for two branches of the Assembly.

one to be elected by the freeholders and householders and the other by freeholders only; while Mecklenburg, whose instructions were in the handwriting of Avery, required that both branches of the legislature should be elected by "the good people of the State"; and farther, that "all judges should be appointed by the General Assembly, and that their term of office should be for one year only." Mecklenburg also directed that there should be a land tax, and that all should be taxed according to their estates; and that a college should be handsomely endowed in that county.

Both Hewes and Penn returned to North Carolina at that time, and Hooper, feeling constrained to remain in attendance on the Continental Congress, wrote his views for the consideration of the congress. "Let us consider," said he, "the people at large as a source from which all power is to be derived. . . . Rulers must be conceived as the creatures of the people. . . . A single branch of legislation is a many-headed monster, . . . and its members become a tyranny, dreadful in proportion to the numbers which compose it. . . . I am now convinced that a third branch of legislation is at least unnecessary. But for the sake of execution we must have a magistrate solely executive." He urged that the constitution of Delaware, which had been promulgated in September, had great merit: "I admire," said he, "no part of the Delaware plan more than the appointing judges during good behavior. Limit their political existence, and make them dependent upon the suffrages of the people, that instant we corrupt the channels of public justice. Rhode Island furnishes an example too dreadful to imitate." Besides the Delaware plan, the congress had also the new constitutions of Virginia, South Carolina, and New Jersey for reference. The committee doubtless availed themselves of every aid in performing their important duty; but the prevailing ideas were, not unnaturally, similar to those that found expression in the bill of rights* and constitution of the adjoining State of Virginia.

1776
The Mecklenburg instructions

C. R., X.
597. 665

*The Bill of Rights of Virginia was written entirely by Thomas Jefferson, while the body of the constitution was prepared by George Mason. (Wirt's Life of Patrick Henry, 215.)

1776

S. R.,
XVIII, 139The framers
of the
constitution

Although some members exercised more influence than others, it would seem that the work of the committee was the joint product of the intelligence of all of the members. In 1787 Judge Ashe said to the legislature: "If my opinion of our constitution is an error, I fear it is an incurable one, for I had the honor to assist in the forming it, and confess I so designed it, and I believe every other gentleman concerned did also"; from which it would be inferred that the constitution was the joint product of the members who "designed it."

Debates in
convention
in 1835.
43, 315

Although Thomas Jones was the chairman, the president of the convention, Caswell, was perhaps the most influential member. Of him the venerable Nathaniel Macon said: "He was certainly one of the most powerful men that ever lived in this or any other country"; and Judge Toomer said: "Such was his influence in the convention that tradition says he dictated the principles, if not the terms, of the instrument." On that committee were also Harnett, Thomas Jones, Willie and Allen Jones, Maclaine, Avery, John and Sam Ashe, Thomas Person and Abner Nash.

These and others as well, members of the committee, were men of decided convictions and were not overshadowed by any of their associates. Still Caswell, being president of the convention, probably exerted a strong influence not only in the committee, but in the congress, and as he had apparently sought the views of John Adams and preserved Adams's letter in his executive letter-book, it is an inference that he agreed with the sentiments of the New Englander, which were conservative.

S. R., XI.
524.
XIII, 31

That Dr. Burke had a principal hand in devising the legislative plan may be gathered from Johnston's writing to him of it as "your plan"; while Caswell said if there is any blame to be fixed on those who formed the constitution, his good friend, Mr. Harnett, ought to take a very considerable part of it to himself for cramping so much the powers of the executive. To Harnett also, by tradition, is assigned the authorship of the thirty-fourth article, placing all denominations on the same footing, granting entire liberty of

worship, but not exempting preachers of sedition from legal punishment.*

1776

Mr. Wilson, of Perquimans, remarked in the convention of 1835 that the "constitution is thought to have been as much or more the work (the thirty-second section excepted) of Willie Jones than any other one individual." But if so, Willie Jones was not such a radical democrat as some have supposed.

Debates in
convention,
1835, 344

Doubtless there were many concessions and compromises.

The draught reported

For three weeks the committee was framing the instrument; and then, on Friday, December 6th, Thomas Jones informed the house that the committee had prepared the form of a constitution, which he read in his place and submitted to the house. It was thereupon ordered that a copy should be made for each county and for each district, and it should be taken under consideration the following Monday.

C. R., X, 954

Of the first draught we have no copy and but little information of its provisions, for the instrument as perfected was probably much amended by the congress itself. It may be conjectured that the committee followed the plan indicated by Thomas Jones in the preceding congress and provided for two branches of the legislature, one elected by the freeholders and the other by the freemen. The justices were to be elected by the people. Johnston on December 7th wrote: "There is one thing in it which I cannot bear, and yet I am inclined to think it will stand. The inhabitants are empowered to elect the justices in their respective counties, who are to be the judges of the county courts. Numberless inconveniences must arise from so absurd an institution." This was changed by the congress. There was no religious test for office in the committee's report, but one was inserted by the congress. On Monday and Tuesday the house considered the constitution, when it was read paragraph by paragraph, amended and passed the first reading. On Thursday it was again read and debated paragraph by para-

C. R., X,
1040

*It is said that Governor Swain once mentioned that a large part of the original draft of the constitution was in the handwriting of Waightstill Avery.

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graph and passed its second reading. Thomas Jones then reported the bill of rights, which he read in his place; and this was taken up on Saturday, debated paragraph by paragraph, amended and passed its first reading.

McRee's
Iredell, I,
339

On December 13th Johnston wrote: "One of the members from the back country introduced a test by which every person before he should be admitted to a share in the legislature should swear that he believed in the Holy Trinity and that the scripture of the Old Testament was written by divine inspiration. This was carried after a very warm debate, and has blown up such a flame that everything is in danger of being thrown into confusion. They talk of having all the officers, even the judges and clerks, elected annually, with a number of other absurdities." This was the talk in the house, not in the committee. It was a departure from the Virginia constitution and from the committee's plan, and it precipitated a contest.

C. R., X, 974

The following Tuesday the bill of rights was read paragraph by paragraph, amended, passed and engrossed. It contains many of the principles of Magna Charta. For several days the constitution was yet further considered, the house reading it paragraph by paragraph and amending it. Finally it was perfected, passed, engrossed, and ordered to be immediately printed and distributed. The committee was appointed November 13th, reported on December 6th, and the constitution was under consideration by the entire body for twelve days, when it was adopted on December 18th. Each word in it was often weighed, debated, and passed on by the house itself.

Similarity to
Virginia
constitution

Whatever may have been the particular zeal of this man or that in the committee, or in the house, every principle contained in the instrument and every provision of it was responsive to the will of the majority of the members.

As perfected, it nearly approached the Virginia constitution with its bill of rights. The second branch of the legislature, which in every other province but Virginia was known as the council, was denominated the senate, Virginia being the first to introduce that word in American history. Senators were to be elected only by freeholders, while assemblymen were to be voted for by all citizens who had

paid their public taxes. The governor and other great officers were to be elected by the General Assembly, and the judges were to hold their offices during good behavior, as in Virginia. The justices of the peace were to be recommended to the governor by the representatives in the Assembly, and when commissioned by him were to hold their offices during good behavior, and were not to be removed from office by the General Assembly unless for misbehavior.

1776

A representative republic

Thus was established a representative republic far removed from the pure and simple democracy which some have said that Willie Jones advocated. Indeed, the Constitution conformed in many respects to the views of Johnston, although he was not a member of the congress. There were to be annual elections of assemblymen, and a governor annually elected and ineligible after three years of service until a like period had elapsed; and the judiciary was entirely independent. Still Johnston remained opposed to the plan for constituting the legislature, and became discontented, perhaps the more because the people had burned him in effigy.

S. R., XI,
504

Public schools

Mecklenburg's voice for the establishment and endowment of a school in that county seems to have been answered by a provision that a school or schools should be established by the legislature for the convenient instruction of youth, with such salaries to the masters, paid by the public, as may enable them to instruct at low prices; and all useful learning should be duly encouraged and promoted in one or more universities. The western member who offered in the house that legislators should swear that they believed in the Holy Trinity, as required by the Mecklenburg instructions, may have been Rev. Dr. David Caldwell, of Guilford, who was not a member of the committee. The introduction of that test raised a flame. Many of the public men of that era were deists; some were atheists. It is said that some of the leading members of the convention were of that mind, and it was for that reason, perhaps, that this proposed section caused such excitement. Besides, if the original proposition followed the Mecklenburg instructions throughout, it excluded from office all Roman Catholics, and Burke was of that faith, as well, perhaps, as others of the congress. The

The religious test

1776
§32 of
Constitution

Mecklenburg proposition was, however, somewhat altered before adoption:^{*} but still no one who denied the truth of the Protestant religion or the divine authority of the Old and New Testament, or should hold religious principles incompatible with the freedom and safety of the State, was to be admitted to office. This apparently was not thought to exclude Roman Catholics, who from the first held office unquestioned. It did exclude atheists and infidels, but none of the public men of North Carolina appear to have fallen within that category, although tradition attributes to some of them a little laxity in their religious beliefs. No public man, Roman Catholic or of atheistical inclinations, ceased to hold office.

The congress was apparently more conservative than the committee, for the committee's plan of electing the justices of the peace, who were to hold the county courts, by a vote of the inhabitants, was rejected by the congress.

The
instrument
conservative

From first to last the instrument as perfected by the congress was conservative, and the government it established must have been a great disappointment to those who favored a pure democracy. Nor did the congress submit it to the people for their approval, and it took effect immediately on its adoption. It, however, was well received by the people, and was the subject of eulogy for many years. It remained unchanged for two generations, although in the course of time complaints began to be made at the west against the plan of representation, and in 1835 the people preferred to choose their own governors, and twenty years later the requirement of a freehold to constitute a senatorial elector was abolished.

C. R., X.
991

The constitution being adopted, two days later the congress chose Richard Caswell to be governor of the State until the next session of the General Assembly; and Cornelius Harnett, Thomas Person, William Dry, William Haywood, Edward Starkey, Joseph Leach, and Thomas Eaton members of the Council of State; and in case of the death or other disability of the governor, the president of the

^{*}A writer in the *Wilmington Herald* of 1844 ascribed that article as written to Cornelius Harnett. Harnett doubtless amended Dr. Caldwell's first proposition.

council was to succeed him. The congress having provided for the establishment of courts of oyer and terminer in the several districts of the State, proceeded to appoint justices of the peace, sheriffs and constables for the several counties, and establish county courts until the Assembly should meet. As Caswell, on becoming governor, resigned his office as treasurer of the southern district, John Ashe was elected to that office; and Cornelius Harnett was elected vice-president of the congress. The common law and the laws of the province that were not inconsistent with the freedom and independence of the State were declared in force. Having performed its work, the congress, after sitting all day Sunday, on Monday, December 23d, adjourned *sine die*.

1777
December
S. R.
XXIII, 912

C. R., X,
938

CHAPTER XXXIII

CASWELL'S ADMINISTRATION, 1776-80

Caswell's administration.—Military movements.—Political power.—The first Assembly.—Tories banished.—Sheppard's regiment.—Conditions within the State.—The task of the patriots.—Johnston dissatisfied.—Loyalists depart.—Arrival of Lafayette.—Track through Ocracoke inlet.—The Continental Line joins the Grand Army.—Brandywine.—Germantown.—Death of Nash.—New battalions.

1777

January

Caswell's administration

On the adjournment of congress Richard Caswell found himself in power as the first governor of the sovereign State of North Carolina. His title was "his Excellency." Shortly after the Christmas holidays he seems to have taken possession of the governor's palace at New Bern, and there on January 16th he held his first council, Cornelius Harnett being chosen president of the board. On the same day judges were appointed to hold the courts of oyer and terminer. Among those appointed were John Penn, Samuel Spencer and Sam Ashe; and the criminal courts again began to be held. Penn, however, declined to serve, so no court was held in the Orange district. His action in this matter, disappointing Governor Caswell, was the probable cause of an estrangement between them.

A few days later the fine furniture and effects of Governor Martin with which the palace was filled were sold at auction under an order of the congress, and his Excellency bought largely of them, doubtless to furnish the palace.

S. R., XI,
393

Indians
hostile

Notwithstanding the treaty of peace that had in the fall of 1776 been informally agreed on with the Indians, in February they again became hostile, and a detachment of militia was ordered to range in the district of Washington to prevent depredations, and General Rutherford was directed to raise eight independent companies, four for Washington and four for Tryon, Burke, and Surry, to be employed



1. MAURICE MOORE
3. ALEXANDER MARTIN

2. ABNER NASH
4. ROBERT HOWE

in building stockades, in scouting and in protecting the people.

William Sharpe and Waightstill Avery were appointed commissioners in conjunction with representatives of Virginia to make a treaty with the Over-hill Cherokees and fix the boundary between their hunting grounds and the white settlement, and during the summer they accomplished this purpose, extending the boundary line into the Great Iron Mountains.

1772

The Indian boundary

Military movements

In anticipation of a southern campaign, General Moore marched his entire command to South Carolina, being likewise accompanied by two battalions of militia under the command of General Allen Jones, appointed by the congress when in session at Halifax. On January 14th General Moore's continentals were at Charleston, and the apprehension of a southern campaign having passed away, and Washington's army being hard pressed, on February 6th the Council of State directed that the ranks of three of his regiments should be filled by transfers from the others and he should lead them to the north. The considerable number of inhabitants in western North Carolina led to the belief that that was a favorable region for securing recruits. Indeed, General Rutherford made a return of over ten thousand men for his militia brigade in the Salisbury district alone, and Nash, who on February 5th was promoted by the Continental Congress to be brigadier-general, was directed to repair to the western part of the State and superintend the recruiting for the new regiments; but rapidly succeeding this first order came a second directing that Moore and Nash should proceed with all the continentals to the aid of General Washington. Moore was then at Charleston in command of the department. On receiving these orders he returned to North Carolina to arrange for the long march of the troops, ordering Nash to follow him with the regiments. In April they reached Wilmington and went into camp temporarily. There, unhappily, on April 15th, General Moore died from an attack of gout in the stomach. On the same day his brother, Judge Maurice Moore, also died

1777

S. R., XI,
375Nash
appointed
generalS. R., XI,
454Death of
Moore

1777

Nash
moves
north

in the same house. General Nash assumed command and marched to the north. A camp was established at Halifax, where were concentrated the continental battalions then forming, whose ranks were not yet filled; and another camp and hospital were located at Georgetown, Md., where all the North Carolina troops who had not had the smallpox were inoculated before joining the army. The brigade reached the Potomac toward the close of May, and while many were detained there to be vaccinated, two hundred were found to have already had the dread disease, and these were hurried forward to reinforce Washington. Under Colonel Sumner, they joined the army at Morristown on July 5th.

May

1777

Political
power

The new constitution apportioned the political power of the State very differently from what had been the custom in colonial times. In former assemblies the Albemarle counties had each five representatives and the others but two. In the revolutionary bodies each county and borough had but a single vote without regard to the number of representatives they sent. Under the new constitution every county was entitled to one senator and two representatives and the borough towns to a representative. By this innovation the counties were all put on the same footing.

The first
AssemblyS. R., XII,
1

The division of the legislature into two houses, each consisting of a relatively small number of members, resulted in lessening the influence of many of the old leaders. When the Assembly, elected in March, met in April, the personnel of the representatives was greatly changed. Many of the prominent public men were either in the military or civil service, occupying positions that rendered them ineligible as members. Sam Johnston, being one of the treasurers, was not a member; nor was Harnett, who was a member of the council. In the senate, Archibald Maclaine, Ailen Jones, Griffith Rutherford, and Sam Ashe were men of the most influence. In the house, Abner Nash, Avery, Benbury, John Butler, Alexander Lillington, Willie Jones and William Hooper, and John Penn were among the leaders; but the disappearance from the legislative halls of many who had exerted a controlling influence in former years was very observable.

Legislative action

1777

It does not appear that there were any party lines. Ten days after the session opened Abner Nash wrote: "We are all harmony, and a perfectly good agreement, as far as I can see, is likely to prevail in our houses of legislature." Nash was elected speaker of the house of commons and Sam Ashe was chosen to preside over the senate.

April

S. R., XI,
720

A mass of important business, much of it of a delicate nature, confronted the Assembly; and despite the absence of so many men of experience who had been accustomed to manage public affairs, the laws passed at that and the adjourned session attest the industry and high capacity of the assemblymen. Maclaine in the senate and Hooper in the house were probably the most influential in managing business. The former was in particular a strong, learned and painstaking lawyer and a patriot of the first water. The Assembly now levied an *ad valorem* tax on land, negroes, and all other property, thus inaugurating a great change in the system of taxation. It established two new counties at the west, one named in honor of the governor and the other for Dr. Burke, "a compliment never before paid to a private citizen," so high was the popular regard for the talented Irishman, who was then representing the State in the Continental Congress with much ability. At the east, also, a county was created and called Camden, in grateful recognition of that nobleman's efforts in Parliament to befriend the colonies.

S. R.,
XXIV, 6

Property tax

Caswell,
Burke, and
Camden
Counties

The election of officers by the congress in December had been merely for a temporary purpose, and now the Assembly re-elected Caswell and the members of the council. County courts were provided for, and courts of oyer and terminer were established, and Samuel Spencer was chosen to hold these courts in four districts, while Bonfield and James Davis were appointed for the Edenton and New Bern districts. Associated with these were others not lawyers. Because of the uncertainty of the times, it was considered best to postpone the establishment of civil courts until the next session, and the senate rejected the bill introduced to create them. Courts of admiralty were established and collectors of customs appointed for the various ports.

S. R., XII,
1-6;
XXIV, 39

177

S. R., XII,
109S. R.,
XXIV,
1, 11, 15

An act was passed regulating the militia, dividing each company into four classes, which should in turn be called out when the necessity arose for making a draft. The brigadiers-general were all re-elected except Thomas Person, who was succeeded by John Butler;* but General Vard dying soon, General Simpson was appointed by the council to take his place. A particular act was passed to encourage volunteers in the existing Indian war, and a premium of £10 was offered for each scalp taken from and "fleeced off the head of an Indian man" by a captor being in the service of the State, and £40 for each scalp taken by one not in the pay of the State, "who shall voluntarily undertake to make war upon the said Indians." Particular efforts were also made to promote recruiting for the continental service. To suppress the Tories, the county courts were authorized to require every inhabitant who should refuse to take the oath of allegiance to depart from the State in sixty days. For this purpose the counties were to be laid off into small districts, in which a justice of the peace was to warn the inhabitants to come and take the oath, and on the failure of any to do so, they were to be banished. Banished persons had the right to sell their property before leaving, but in case they did not, their property became forfeited to the State. The patriots of that day realized the necessity of reducing the number of the disaffected within the limits of the State as far as practicable, and although these were harsh and rigorous exactions, yet they seem to have been necessary and wise.

Sam Johnston and John Ashe were re-elected treasurers, and apparently there was no particular contest over any appointment, except alone for one of the delegates to the Continental Congress. Penn was a member of the house, and desired to replace Hewes. He made a determined and personal effort, alleging that Hewes, who as a member of the Marine Committee was transacting very important business for the congress, was holding two offices, a method of

*General Butler, like Rutherford, had been one of those county officers of whose excesses the Regulators complained. He was sheriff of Orange in December, 1770, although his brother William was one of the Regulators.

electioneering that greatly disgusted Hewes and his friends. A warm struggle ensued, and Penn succeeded by ten votes. The delegates chosen were Burke, Hooper, and Penn. Hooper declined, for the expense had been too heavy for his purse, and his friend Harnett was chosen to fill the vacancy. It was, however, said that had Hewes then been willing to accept he would have been chosen unanimously to replace Hooper, but his friends asserted that he would not accept under the circumstances. If his great and patriotic service at Philadelphia was not appreciated by the Assembly, he was content to attend to his private affairs.

April
McRee's
Trebelt, I,
359

1777

At that time the militia battalions sent to South Carolina were still in that State, one of them being commanded by Colonel Abraham Sheppard. It being resolved to raise a new continental battalion, Sheppard was appointed colonel of it, and he was directed to select his own officers and recruit his men. He had been Caswell's lieutenant-colonel at Alamance, had commanded the Dobbs militia with Caswell at Moore's Creek, and was in service on the Cape Fear under General Ashe. He was regarded as particularly efficient, and Caswell reposed the highest confidence in him.

Sheppard's
regiment
S. R., XI,
437

Eventually, after a session of a month, in the course of which the new State was launched with its officers and laws, suited to the changed conditions, the Assembly adjourned.

Conditions within the State

The counties now became organized with their courts, justices, clerks, sheriffs, registrars and other officers, and there was a general feeling of stability, and that the new government was permanently established. But yet the inhabitants were by no means of one mind on the subject of independence. Disaffection manifested itself more or less in every community. In July there were Tories in arms in Surry, and trouble in Guilford; and in that month the Council of State, writing to General Rutherford, told him that they could not send any troops from the Hillsboro brigade, as he "well knew how many disaffected persons reside in that district and neighborhood."

July, 1777
S. R., XI,
520

S. R., XI,
521-523, 526

Indeed, this was a time of fearful commotion and anxious solicitude in many parts of the State. A test oath being

1777
May
The Tories
S. R., XI.
534-590

required of all citizens, and those refusing to take it being ordered to depart the State within sixty days, a dread alternative was presented that brought sorrow and lamentations. Deplorable in the extreme was the situation of a great number of inhabitants who determined to abandon their homes and become wanderers on the face of the earth rather than engage in what they considered unjustifiable rebellion. A very large part of Cumberland, estimated at two-thirds of the county, prepared to leave the State, and in other communities considerable numbers had the same gloomy prospects. The Scotch refused to take the oath almost to a man. They preferred exile to renouncing their allegiance; and being much exasperated, they became very troublesome.

The salt riots

The interruption of regular commerce resulted in general privation of the necessaries of life. Chief among the indispensable articles for domestic use was salt, and of this there was a scarcity. The first highways known to history were made by the denizens of the interior seeking the seashore for this commodity. The human system hungers for it, and when the supply among the inhabitants of the interior ran short they fell into great commotions—the people demanded salt and would have it; and now began a disturbance that might well be denominated the salt riot. The State had a quantity stored at Cross Creek for the use of the public, and thither bodies of men began to congregate. It was reported that a thousand assembled in Orange alone, and crowds gathered in Duplin, Guilford, Chatham and other counties with such a threatening aspect that an alarming insurrection was feared. It was apprehended that the ultimate purpose was to seize the military stores at Wilmington. Colonel Williams, in command of the continentals at Halifax, and Colonel Sheppard, whose Tenth Regiment was at Kinston, were directed to move on Cross Creek, and General Ashe was ordered to call out the militia of that district. The rising, however, seems only to have been with a view of taking the salt, and it was that which drew together the crowds in the disaffected territory.

On July 30th a mob of one hundred and forty persons

from Duplin and Johnston entered Cross Creek, but Robert Rowan met them with his company, and having required them to take the oath, sold them salt at \$5 per bushel. Five hundred more came in somewhat later, and probably were appeased in the same way. 1777
July

The task of the patriots

Just at the same time, July, 1777, a conspiracy was discovered among the eastern Tories to rise and fall upon their neighbors. "I am sorry to inform you," wrote Colonel Irwin to Governor Caswell, "that many evil persons in Edgecombe and the neighboring counties have been joined in a most wicked conspiracy. About thirty of them made an attempt on Tarboro, but luckily I had about twenty-five men to oppose them, and I disarmed the whole and made many take the oath." S. R., XI.
521

Had there been more unanimity, the task of the patriot leaders had been easier; but their daring, their constancy, and fortitude would not have entitled them so thoroughly to the gratitude and admiration of succeeding generations. Notwithstanding the division in sentiment of the inhabitants, it is to the honor of the public men of that period that no man who had been honored with the confidence of the people flinched when the test came or failed to move forward through the gloom and obscurity of the doubtful and hazardous issue. They doubtless felt as Franklin in the Continental Congress expressed it, "we must all hang together, or we will be sure to hang separately."

There were, however, two Englishmen who, after the formation of the State government, withdrew their support from the cause. One, William Brimage, of Edenton, was appointed by Governor Caswell to hold the court of oyer in March. He declined, and not long afterward planned an insurrection, proposing to join the British vessel at Ocracoke. For this he was arrested. The other prominent inhabitant who fell from the cause was John Slingsby, a merchant of Wilmington, who at first entered zealously into the revolutionary measures, but subsequently adhered to the Crown, and in 1781 was colonel of the Loyalist militia of Bladen, and lost his life at the battle of Elizabethtown. S. R., XI.
539
Brimage
Slingsby

1777

July

Johnston dissatisfiedS. R., XI,
458, 504

Samuel Johnston, although always true to the cause, was much dissatisfied with the form of government, and doubtless suffered mortification at his treatment by the people of Chowan. Governor Caswell offered to appoint him to hold the court of oyer in the Edenton district, but Johnston questioned Caswell's right to make the appointment. The legislature in April re-elected him one of the state treasurers, but he declined, saying: "In the infancy of our glorious struggle, when the minds of many were unsettled and doubtful of the event, I joyfully accepted every appointment that was offered by my fellow-citizens, and readily stood forth to give testimony of my concurrence and approbation of every measure which tends to the security of the most inestimable rights of mankind; at this period, when the constitution of this State is happily, and, I flatter myself, permanently established, when all doubts and apprehensions are entirely removed, . . . I . . . request . . . the favor of being permitted to decline that very honorable and lucrative appointment." The cause of his declination was deep-seated. He was dissatisfied, mortified, and doubtless animated by resentment. The people had framed a government without his aid, and he had been treated by the inhabitants of his own county as if he were an odious character. Two months after he declined the treasure-ship he wrote to Dr. Burke: "I have had an opportunity of seeing an experiment of the new legislature, and am as little pleased with it in practice as I was formerly in theory, and am still of opinion that though your plan might, for aught I know, be well adapted to the government of a numerous, cultivated people, it will by no means be attended with those salutary ends which were in the contemplation of its framers." He characterized many of the representatives as "fools and knaves, who by their low arts have worked themselves into the good graces of the populace." "I saw with indignation such men as Griffith Rutherford, Thomas Person, and your colleague, J. Penn, . . . principal leaders in both houses, you will not expect that anything good or great . . . from the counsels of men of such narrow, contracted principle, supported by

the most contemptible abilities. Hewes was supplanted . . . in congress by the most insidious arts and glaring falsehoods, and Hooper, though no competitor appeared to oppose him, lost a great number of votes." He concludes: "I am now out of office and totally abstracted from all political concerns." But in less than two years his resentment was mollified, and he again took his place in the Assembly as senator from Chowan, and in the dark days of the war he put forth his best efforts for success.

1777

July

Loyalists depart

Throughout the province, however, there were large numbers of local standing who remained fixed in their opposition to the new government. These malcontents interfered with the recruiting and were a menace to the public peace, threatening the magazines in the different sections of the State, and it was desirable to free the inhabitants from their influence. Toward the last of July a large vessel sailed from New Bern having on board a great number of Tories with their wives and families, chiefly Scotchmen. Among the passengers were Martin Howard, the late chief justice of the province, and his wife and daughter. Since the beginning of hostilities he had been living quietly in seclusion on his plantation, Richmond, in Craven County. October 27th another transport sailed from New Bern for Jamaica, having on board John Hamilton and his brother Archibald, of Halifax, and many other Scotchmen. In January Governor Martin wrote from New York that many refugees from North Carolina had arrived there, "among them John Hamilton and Mr. MacLeod, the former a merchant of considerable note, long settled there, and the latter a Presbyterian clergyman of good character, who have formed a very spirited . . . and well-concerted plan by drawing out of that province for his Majesty's service the loyal Highlanders, of whom they have two hundred and seventy odd men actually under the most solemn engagements to join them on a summons." Later these men were embodied in a regiment under Hamilton's command, and were actively engaged during the war.

S. R., XI.
656, 754;
XIII, 363

The
Hamiltons

1777

July

Arrival of Lafayette

In July, while the continental battalions were being filled at Halifax, there passed through that village a bevy of French officers who had just landed at Georgetown, S. C., and were making their way to the headquarters of General Washington, being the first practical indications of French sympathy with the colonies in their struggle for independence, the forerunners of that great assistance which later brought the war to its glorious close at Yorktown. On July 18th Major Ashe wrote to Caswell: "I haven't any news to write your Excellency, only th't one of the royal bloods of France (the Marquis de Lafayette), recommended by Mr. Franklin, passed this [place] a few days since, on his way to the Grand Army." Lafayette at that time was not twenty years of age, but at once he burst on the American horizon as a star of the first magnitude, and the glory of his name approaches that of the great Washington.

S. R., XI,
524

Lafayette

Ocracoke InletThe
blockade

British cruisers undertook to close the channel of commerce through Ocracoke Inlet, but many vessels still came in bringing salt, ammunition, and other needed supplies, and privateers were constantly sallying forth to prey on British commerce. Among those fitted out at New Bern were the *Sturdy Beggar* and the *Nancy*, while at Wilmington the *General Washington* was equipped as an armed vessel for the State.

S. R., XI,
532S. R., XI,
624

In the middle of September two large English frigates suddenly appeared at Ocracoke, where many vessels lay ready to sail. They took several, particularly a large French brig, but the most of the fleet escaped by returning into Neuse River. The British tars then made capture of the fat mutton on the banks; but the *Sturdy Beggar*, fourteen guns, and *Pennsylvania Farmer*, sixteen guns, at once sailed to clear the harbor.

S. R., XI,
733; XV,
702The brigade
joins
Washington**The Continental Line joins the Grand Army**

On July 1st the long march of Nash's brigade came to an end, and it went into quarters at Trenton. This addition to Washington's army was important, adding largely to its strength and enabling him to present a bold front to Corn-

wallis, who threatened Philadelphia from the Elk. To form a corps to hover about the enemy and give him all the annoyance possible. Washington now organized a light division, composed in part of a hundred men taken from the North Carolina brigade, under Colonel Martin, the command being bestowed on Major-General Maxwell. The brigade itself was assigned to General Sullivan's division, and participated in the battle of Brandywine, September 11th; but the management was so wretched that none of the brigades in Sullivan's division won great renown. Colonel Martin's detachment had better fortune. Maxwell held his position at Chad's Ford with remarkable tenacity, and particularly did Captain Jacob Turner, of the Third Battalion, greatly distinguish himself, bringing honor to his corps.*

At the battle of Germantown, October 4th, the brigade had a better opportunity of displaying its courage, and its vigorous conduct was highly honorable to the State. Nash's and Maxwell's brigades supported those of Sullivan and Wayne that led the attack on the centre. They were successful from the beginning, drove the enemy pell-mell in their front and pressed on resolutely through the long and straggling village of Germantown. Eventually they routed the British left, which had made a stand against their onslaught. Nash's brigade was on the extreme right, and gained a more advanced position than any other of the American troops. The victory was won when an untoward incident changed the face of affairs. A great fog prevailed, and at a point some three miles from where the engagement began Wayne's division, on Nash's left, mistook some of General Greene's troops, who formed Washington's left wing and were approaching from that direction, for a large British force on their flank. Alarmed at their supposed peril, they broke and could not be rallied. Their flight from the front turned victory into disaster. The British renewed the contest with spirit. The brigades of Nash and Sullivan, far in advance, unsupported and threatened on both flanks, were compelled to withdraw. The army retired many miles, pursued by the enemy.

*Hugh McDonald, whose diary has been preserved, was apparently a member of Colonel Martin's detachment with General Maxwell.

1777

July

Maxwell's
Light
DivisionS. R., XIII.
262, 2631777
Oct. 4th,
GermantownS. R., XI.
259, 268Irving's
Washington,
III, 284

1777

Death of
Nash

The North Carolinians suffered heavily. How many of the rank and file were killed and wounded was not reported, but the loss was great. Among the higher officers, General Nash, Colonel Polk, Colonel Buncombe, Colonel Irwin, Captain Jacob Turner, and Captain Lucas, adjutant of the Third, fell on the field of battle. Colonel Polk, although badly wounded, fortunately recovered. Colonel Hogen, who particularly distinguished himself, escaped. Colonel Buncombe, badly wounded, was conveyed from the field, where he was found by an acquaintance in the British army, to Philadelphia, and died from his wounds shortly afterward. A cannon ball passed through the horse General Nash was riding, and tore through his leg, also killing Major James Witherspoon, an aide of General Maxwell. As he fell, Nash called to his men: "Never mind me, I've had a devil of a tumble: rush on, my boys; rush on the enemy: I will be after you presently." He was borne fainting from the field and died, after lingering in great agony for three days. He was interred in the Mennonite Churchyard at Culpville, Pa. His death was truly lamented. It was a sad blow to his brigade, the men and officers alike having the greatest confidence in him and affection for him. At home, when the legislature met, it put on record a memorial of his worth and virtues, made an appropriation to erect a marble monument in his honor, and created a county, called by his name, to perpetuate his memory. On Nash's death, congress not being ready to appoint additional generals, the command of the brigade was assigned by Washington to General McIntosh, of Georgia.

Biog. Hist
N. C., III,
301

The new battalions

S. R., XI,
605, 729, 733

After Nash moved north, the first efforts of the authorities were directed to filling the ranks of the older regiments, but these efforts were measurably checked by the activity of those officers who were seeking to enlist men for the Seventh, Eighth and Ninth battalions, upon whose prompt completion depended their commissions. While the officers of Shepard's Tenth battalion offered the additional inducement that that battalion was for local service, and would not have to leave the State, numerous recruiting officers, represent-

ing every regiment and company, were scouring the State. The first impulse of patriotic ardor had somewhat subsided, and recruiting for the war proceeded but slowly. The camp at Halifax was left in charge of Colonel John Williams, and as rapidly as possible recruits were collected and sent forward in detachments, and eventually, on September 1st, Colonel Williams broke camp and moved the entire force northward to join the Grand Army. In July, likewise, Colonel Sheppard's regiment was taken into the pay of the Continental Congress and also ordered north.

1776

Williams's
Detachment

CHAPTER XXXIV

CASWELL'S ADMINISTRATION, 1776-80—*Continued.*

The second session of the Assembly.—Articles of confederation.—Valley Forge.—Supplies from North Carolina.—The North Carolina line destitute.—Feeling in England.—Treaty with France.—The second Assembly.—Dr. Burke in congress.—The battalions consolidated.—Nine months' Continentals.—Defection prevalent.—The North Carolina brigade.—The judges appeal to the people.—At the adjourned session.—For the southern campaign.—Importations continued.—The fall of Savannah.—Militia for the South.—Ashe surprised at Briar Creek.—Boyd's defeat.—Light horse at the North.—Sumner and Hogun brigadiers.—The hardships of the officers.—Prices and taxes.—Internal perils.—Movements of troops.—Battle of Stony Point.—The second Assembly.—Efforts to increase the Continental force.—Tory movements.—Battle of Stono.—Davie wounded.—Battle at Savannah.—Hogun's brigade ordered South.

The second session of the Assembly

Nov., 1777
S. R., XII,
114, 418

The Assembly reconvened in November and again sat a month. It established superior courts, electing Samuel Ashe, Samuel Spencer, and James Iredell the judges, and Waightstill Avery the attorney-general. Courts for the trial of civil causes that had been suspended since 1773 were thus reopened in the spring of 1778. Many important measures engaged the attention of the Assembly. It being represented that a large force would probably be needed at the north, the legislature empowered the governor to draft five thousand militia, and to command them himself, or to appoint a major-general in his place.

S. R.,
XXIV, 128

In the Continental Congress Dr. Burke had been particularly active and very efficient. He communicated to the governor full details of the proceedings of the congress and of his action on the various measures proposed, his letters being in the highest degree creditable to him. He participated largely in the discussion upon the articles of confederation and transmitted a brief of the argument. These articles were laid before the General Assembly at its

S. R., XI,
380-389, 417

November session, and that body declined to ratify the entire instrument. As the Provincial Congress had rejected Franklin's plan two years earlier, so now the Assembly was careful about entering into any agreement with the other states that might injuriously affect the rights of the people. Indeed, the permanency of the connection with the other colonies was so far from being regarded as finally established that in the state constitution it was provided that the delegates to the Continental Congress, "while necessary," should be annually chosen.

1777
November

S. R., XII,
411

Although Johnston ascribed to General Person a controlling direction of the house, yet the few records of the ayes and nays preserved in the journals of that body indicate that that leader of the democrats was frequently in the minority. He proposed without avail a tax reduction and a reduction in the compensation of the governor; and similarly other movements in the way of seeking popular favor appear to have been defeated. Honors were paid to General Nash, for whom a new county was named; and a county also was named in honor of Wilkes; and Washington district beyond the mountains, which had been accorded representation in the Provincial Congress and in that Assembly, was now converted into a county. For purposes of intercourse with it a public road was directed to be constructed across the mountains leading into Burke.

S. R., XII,
441; XXIV,
141-144

A fort was built at Ocracoke, and one of the row-galleys, named the *Castell*, was purchased from the State of Virginia for the better protection of the commerce through that inlet. Commissioners were appointed also to repair Fort Johnston and build a new fort commanding the bay at Point Lookout. The academy at Charlotte was revived under the name of Liberty Hall, and early in 1778 trustees were appointed to establish a similar academy in the neighborhood of Hillsboro. Toward the end of the session some friction appears to have arisen between the two houses, especially over the election law, but eventually the house concurred with the senate and passed the act fixing the time of the annual meeting on April 1st and rendering ineligible delegates to the general congress and certain other officers. To take the place of the old-time vestries, the freemen in the

S. R.,
XXIV, 79

1777

December

counties were directed to elect overseers of the poor and county wardens, and this change marked the final separation of church and State.

Colonel Sheppard had been so dilatory in moving the Tenth Regiment to the north that a legislative committee investigated the causes of his inaction, and although some excuse was found in the dearth of supplies, on the whole the committee reported that his reasons were frivolous and insufficient; and toward the end of November he was again instructed to join the Grand Army.

S. R., XII,
134

Valley Forge

1777-1778

That winter, the British having occupied Philadelphia, General Washington went into winter quarters at Valley Forge, twenty-three miles west of that city. There the nine North Carolina battalions passed the winter subjected to the most trying vicissitudes. Terrible, indeed, were the sufferings of all the troops in that famous encampment. While for the most part the army remained in their cantonments, a special corps was organized for rapid march to harass the British outposts and keep in check their foraging parties. The returns show that about one-half the North Carolinians fit for duty were engaged in these commands outside of the regular quarters. As the season advanced with its unusual severity, the unhappy situation and destitute condition of the North Carolina line called for vigorous measures of relief. The only communication was to the southward, and except such provision and clothing as could be obtained from the unwilling Pennsylvanians, the army had to be furnished from Virginia and North Carolina, and Governor Caswell was unremitting in his endeavors to provide needed supplies. Now the value of Ocracoke became still more apparent. Governor Martin wrote in January from New York to Lord Germain: "The contemptible port of Ocracoke . . . has become a great channel of supply to the rebels. . . . They have received through it very . . . considerable importations." To close that inlet a British ship of war, two sloops, a brig, and privateersmen from New York and England hovered along the coast, charged with the duty of capturing American vessels. But,

S. R., XI,
688, 689, 703Supplies
from North
CarolinaS. R., XIII,
367

on the other hand, efforts were made to drive them off, and in addition to the fortifications and state vessels, the New Bern merchants fitted out the *Bellona*, carrying eighteen guns, and the *Chatham* to make reprisals. To pay for imported goods, tobacco was shipped to foreign countries, the State purchasing and sending out large quantities of that commodity. Salt brought in by the State was exchanged for pork, and Caswell employed men in every section packing pork for Washington's army. All sorts of skins and leathers and all cloths fit for blankets were likewise obtained for the soldiers, sometimes resort being had to impressment. In the Albemarle section, where there were so many industrious Quakers, large quantities of shoes were manufactured, and these were purchased not only for the army, but by northern merchants, who paid high prices for them. Importations were also made on account of the Continental Congress, and these supplies were stored at South Quay, on the Blackwater. From there they were moved by wagons to Valley Forge. Means of transportation were limited, and at length four brigades of wagons were sent from Pennsylvania to haul stores from Edenton and South Quay for the use of the army, and these supplies contributed to relieve the sufferings which the soldiers had so uncomplainingly endured. On February 15th Caswell wrote: "I find our nine regiments . . . very far . . . short of their complement of men, and those in camp almost destitute of clothing. . . . The officers of the Sixth Battalion are sent home as supernumeraries. . . . I am to buy leather, skins, shoes and other clothing, procure manufacturers, set them to work, purchase salt and provisions, and procure boats and wagons for sending those articles on. All this I am constantly, almost busily, employed about myself, receiving very little assistance."

Early in March General McIntosh reported that of the North Carolina line at Valley Forge since January 50 had died in camp; that 200 were then sick in camp, and an equal number were in hospitals in Pennsylvania and New Jersey. The number then at Valley forge was 900; in May there were 1100 privates, while of rank and file there were 1450. Colonel Sheppard's regiment, having lingered in North

1777
December

Supplies for
army at
Valley
Forge

S. R., XIII,
16, 17, 42, 74
et seq.
1778

1778
S. R., XIII,
377, 428

The North
Carolina
troops

1777

December

Carolina until cold weather set in, spent the winter in the smallpox camp at Georgetown, Md., where more died with measles than from the effects of inoculation.

Treaty with
France

Dec., 1777

That winter was indeed terrible to the patriots; but it was also discomforting to the British. Burgoyne's entire army having surrendered in October, that general reached England in December, and such was the gloom and despondency in Great Britain that there was much sentiment in favor of a cessation of the war. In the House of Commons only 33 majority was cast against assenting to the independence of America. Lord North, in urging money for another campaign, declared as the alternative that they would have to furnish money to bring the troops home. This favorable news gave great hope throughout the colonies; and then in May came the treaty with France, followed quickly by the declaration of war by France against England and the promise of an immense fleet and four thousand veteran troops to end the struggle. When a copy of this treaty reached New Bern it was immediately published under a display of American and French colors and a triple discharge of thirteen pieces of cannon by the town company of militia, mustered for that purpose. And as the *Gazette* quaintly remarked: "Universal joy appeared in every countenance, great plenty of liquor was given to the populace, and the evening concluded with great good humor and social mirth."

S. R., XIII,
425

The second Assembly

1778

S. R., XII,
549

The new Assembly met on April 14th at New Bern, Whitmel Hill being chosen speaker of the senate and Judge John Williams speaker of the house. Among the new members was James Hunter, who now co-operated heartily with the Whigs. Governor Caswell gave a full account of public matters in a message to the legislature. He was again elected governor, and the other members of the council were re-elected, Richard Henderson taking the place vacated by Harnett. A new county was formed and named in honor of the victor over Burgoyne, General Gates; another in honor of Willie Jones; others for Montgomery and Randolph, while the names of Bute and Tryon were obliterated.

New
counties

and those counties were respectively divided into Franklin and Warren and Lincoln and Rutlerford.

1778

On the death of General Moore, Dr. Burke, instead of recommending one of the North Carolina colonels to fill the vacancy, urged the appointment of Colonel Hand, of Pennsylvania, a gallant Irishman, his action in that matter calling forth a vigorous protest and remonstrance from the North Carolina officers. At the annual election in April he was not chosen a deputy, Abner Nash being elected in his place. Nash, however, declined, and John Williams, of Granville, the speaker, was then elected, Thomas Benbury becoming speaker.

S. R., XI,
502, 750

But if Burke lost favor because of this incident, he soon re-established himself in the affections of North Carolinians. At the very time he was denied a re-election his action at Philadelphia was so patriotic that he gained renewed favor. A majority of the congress had drawn a communication to General Washington which Dr. Burke thought contained an unmerited reflection on that general, and he combated it with great warmth, and with indignation retired from the chamber, his withdrawal breaking the quorum. On being sent for, he expressed himself so vehemently to the messenger that congress considered his action a contempt of that body. He explained that he did not understand that the congress had sent for him, and offered some apology. His explanations, however, did not satisfy the irate members, and then Burke manfully reasserted his position, caused the matter to be fully spread on the records, and claimed that he was responsible only to the legislature of North Carolina. The record of the proceedings being submitted to the next session of the Assembly, that body approved his course, and again elected him a delegate in congress. For a time, however, he was retired, and when the articles of confederation were ratified on behalf of North Carolina, on July 21, 1778, they were signed by John Williams, John Penn, and Cornelius Harnett.

S. R., XIII,
87, 105, 209Dr. Burke
at Phila-
delphiaArticles of
Confederation
ratified

The Assembly took measures for filling up the continental battalions; but on May 29th congress resolved that the battalions in camp should be consolidated, and a call was made on the State to raise four additional ones, which, however,

1778

S. R., XI,
761The
battalions
consolidatedS. R.,
XXIV, 154The nine
months'
continentalsS. R., XII,
862

were to remain at home until ordered elsewhere. Pursuant to this resolution, the battalions in service were reduced to four. The Sixth, originally commanded by Lillington, and later by Colonel Lamb, was merged with the First, of which Thomas Clark was colonel. The Fourth, commanded by Colonel Polk, was merged with the Second, Colonel Patten remaining colonel. The Fifth was merged with the Third, Colonel Sumner continuing in command. Colonel Martin had resigned the previous fall; Colonel Polk now resigned, and Colonel Hogun and the supernumerary officers, of whom there were a large number, were directed to return to North Carolina for service in the new battalions when raised. Efforts to obtain recruits under the system of volunteering, even with the large bounties offered, proved unavailing, and the legislature directed that twenty-six hundred men should be detached from the militia to serve in the continental army for nine months. These were known as the "nine months' men." A certain quota was apportioned to each county, and this number was again apportioned by the colonel of the county among the militia companies, so that every militia company in the State had to furnish its proper share of these troops. It was the same system that had been devised for calling out militiamen. Volunteers from each company were first to be called for, and to these a bounty of \$100 was offered; and then, to make up the deficiency in its quota, each company by ballot selected the other men, and these were to receive a bounty of \$50. Every one so selected became a continental, and those who faithfully served for nine months were to be exempt from any military service for a period of three years. All through May and June the militia companies were assembling in the various counties and making their selections of nine months' men, and thus again the war was brought to the very homes of the people. In many communities there was great opposition, for defection was painfully prevalent. In Rowan Captain Johnston was appointed to administer the oath of allegiance to the inhabitants of his district. They attended at the time and place advertised, but when the oath was read and proposed to them, one of the company hurrahed for "King George," whereupon about

a hundred withdrew in a riotous, turbulent manner; and when the captain undertook to raise the quota of men required of his company he found that the majority were Tories, and that the disaffected element controlled the draft. In many other sections the condition was not far different. It was with difficulty that the law could be enforced, and the drafted men responded but slowly. Those from the eastern counties were to assemble at Halifax, while those from the west were to proceed to Paytonsbury, in Virginia, where Colonel Thackston was in command. Boards of continental officers convened at Halifax and Moore's Creek to arrange officers for the new battalions, and Colonel Hogun was elected to command the first that should be organized. In July his regiment was sufficiently organized at Halifax for him to march, and he moved northward with six hundred men.

1778

S. R., XIII,
177

The three consolidated regiments and Colonel Sheppard's Tenth Regiment had been thrown into "the North Carolina Brigade," Colonel Clark being in command, and were with Washington when, at the end of June, he attacked Sir Henry Clinton at Monmouth. They did not form a part of Lee's advanced corps that made the disorderly retreat at the beginning of the engagement, but under Lord Sterling they held the left of the second line and repulsed the enemy, and later were thrown forward close to the British right to renew the engagement. Night, however, closed in, and under cover of darkness Clinton escaped.

S. R., XIII,
531The
Brigade at
Monmouth

During that fall and winter the brigade remained with Washington at Fredericksburg, near the Connecticut line, while Colonel Hogun with his new regiment of six hundred men was engaged in throwing up fortifications at West Point, which afterward became the fort so famous in history.

S. R., XIII,
496Hogun at
West Point

The other companies of nine months' men in the summer of 1778 went into camp, some at Duplin Court House, some at Salisbury, at Hillsboro, and at Paytonsbury; but, congress having failed to send the bounty money, most of them were placed on furlough to remain at home until the ensuing March.

As the clergy had urged the people forward, so now the bench sought to enforce constancy. Judge Iredell forcibly

1778

S. R., XIII,
442, 443Reanimat-
ing the
people

urged patriotism; and at the June term of the Wilmington district Judge Ashe, in calling the attention of the grand jury to crimes against the State, adverted to the spirit of disaffection, saying: "When I consider our present temper and conduct and compare them with our past, I lament our depravity. When the accursed plan to enslave us was first formed and ready to be enforced against us, a noble spirit animated us, our resentment kindled, every age and order of men glowed with zeal; each became emulous who should succeed in resisting the encroachment; to effect it all seemed determined to venture everything; no danger was thought too hazardous, no difficulty was too great. Then were companies formed and trained in every neighborhood; . . . the example was forcible, our youths catch noble passion; nay, our children of a few years old imbibe it. But, alas! how are we changed of late; that noble spirit no longer inspires us; the celestial fire is extinguished, the flame ceases, it glows no more. We have suffered a fascinating spirit of avarice and extortion to take place instead. . . . Lamentable defection! Strange infatuation! Can we think the eager pursuit of riches will preserve us? . . . Or is there no danger because the enemy are not instantly at our doors? . . . Our fate is inseparably linked with our sister States. If they fall we perish. America united must stand or fall together. . . . For God's sake, then, let us rouse from our supineness! Let that spirit which at first animated us revive. . . . Let the love of our country rise superior to the . . . base passion for gain. In a word, let us adopt an equal spirit, an equal love of liberty and firmness, with the brave Corsicans, who, oppressed by Genoese tyranny, in their military oath thus solemnly swore: 'That we will sooner die than enter into any negotiation with the Republic of Genoa or return under its yoke.'" Every opportunity to impress the people was seized by the patriots to strengthen the cause.

1778

The
delegation

In August there was a short session of the Assembly held at Hillsboro. Because attendance on the congress brought so many deprivations, it was resolved to increase the number of deputies to five, requiring that three should always be present, while the other two could be on leave at their homes. Whitmel Hill, the speaker of the senate, and Thomas

Burke were elected as additional members, and Allen Jones succeeded Hill as speaker of the senate. James Iredell, one of the judges, having resigned, Richard Henderson was elected in his stead, but he did not accept, and Archibald Maclaine was then chosen. A new issue of £850,000 was ordered to discharge all debts, and with the hope of counteracting the efforts made by disaffected persons to depreciate the bills of credit, which were now rapidly falling in value.

In the early autumn it became evident that the southern campaign threatened the year before was to become a reality, and South Carolina called loudly for assistance, and urged that congress should ask Caswell himself to command the troops sent by North Carolina to her aid. In response congress called on the State for three thousand men for service at the south; and Caswell, with his accustomed zeal, at once entered on the work of organizing and preparing this force. He ordered out the nine months' continentals, who were then on furlough, and called on the generals of the militia brigade to send forward their quotas for this expedition.

General Allen Jones, however, and many others as well, interposed objections, saying that Caswell had no authority to send the militia from the State; and the want of harmony led to great delay in drafting the men.

Importations continued, and in January there were brought in on the ship *Holy Heart of Jesus* twenty-three pieces of heavy cannon, to pay for which a hundred and forty hogs-heads of tobacco were necessary, and the agent of the State, Robert Salter, was directed to buy enough tobacco for that purpose.

Indeed, privateering as a commercial venture was carried on with great energy. In the spring of 1770 Captain Biddle sent out the *Eclipse*, fourteen guns; Captain Snoaye, the *Rainbow* and the *Fanny*, each fourteen guns; while Captain Ellis had three ships at sea taking prizes; and about the middle of May it was reported that five vessels had come into New Bern with valuable cargoes. The more readily to import military supplies, the Assembly appointed commissioners to purchase and hire swift ships for the State, and Colonel Benjamin Hawkins was empowered as state agent to conduct that business. He was to buy and export tobacco and

1773

The South
threatened

Oct. 16, 1778

S. R., XIII.
246Importa-
tionsS. R., XIII.
292

1776

pork, and, going abroad, was to purchase the needed military supplies. Notwithstanding the doubtful issue of the struggle at that time, the State already had some credit abroad, and Colonel Hawkins was directed to borrow £20,000 sterling in the West Indies for state purposes.

S. R., XIII,
225Howe in
Georgia

General Howe, who had been promoted by congress to the rank of major-general, still remained in command of Georgia and South Carolina; but he was not agreeable to the South Carolina authorities, who found it irksome to be defended by a North Carolinian, and application was made for his removal. So in September he was ordered to join Washington, General Lincoln being directed to relieve him. In November, as he was about to depart from Charleston, he, however, received an express from Georgia urging the imminent danger of that State, and requesting his aid. Sending forward what troops could be spared, he hurried to Savannah to meet the invasion. He could muster but seven hundred and fifty men besides the Georgia militia. With these he took a position, deemed impregnable, about half a mile below the town, and was sanguine of repulsing the enemy. But the British commander, Colonel Campbell, directed a body of seven hundred infantry, under the guidance of a negro, to penetrate a swamp that had been thought impassable, and suddenly Howe found his position untenable. A brisk engagement ensued, and the Americans were compelled to retire. In this retreat the Georgia brigade ignored their general's orders and suffered severely. Driven from Savannah, Howe recrossed into South Carolina, intending to protect Charleston. General Lincoln reached North Carolina in November, and urged that the intended reinforcements for the southern army should be hurried forward, indicating that arms and equipments, of which there was a great scarcity, could be furnished at Charleston. He arrived at Howe's camp on January 24, and Howe went north to the Grand Army.

Lincoln
takes
command

1779

S. R., XIII,
30, 55, 250,
259

Caswell offered the command of the detachment about to be raised to General Ashe, who expressed a disinclination to accept it. But the governor insisted, saying that one or the other must go, and that the situation in the State rendered his own presence imperative. To remove an objection,

he promised to perform personally Ashe's duties as treasurer. Ashe finally accepted the commission of major-general, and proceeded to organize the detachments as they reached Elizabethtown, where the drafts were directed to assemble. To fill the vacancy made by Ashe's promotion, on January 1st Alexander Lillington was appointed brigadier-general of the Cape Fear district.

1779
John Ashe,
major-
general

It becoming apparent that the British were to make a great effort at the south, congress called on North Carolina to increase her re-enforcements to five thousand, and Caswell ardently sought to respond. In addition to the eastern levies, General Rutherford was directed to call out his brigade and reinforce Lincoln. The Indians had become hostile at the west, so that no troops could be drawn from beyond the mountains, but Rutherford hastily assembled some seven hundred men, and toward the close of November began his march.

Aid for the
South

S. R., XIII,
317

Rutherford

Colonel Lamb was collecting the nine months' continentals at the east and Major Lytle at the west, while Sumner, the senior officer then in the State, had general supervision. Early in December Major Lytle, with a contingent of continentals, joined Rutherford; but it was a month later before Colonel Lamb crossed the Neuse with two hundred more, and then he was detained at Kingston* several weeks waiting for other detachments to come in; while Ashe was still delayed at Elizabethtown, as only one-half of the militia drafts had assembled. Rutherford, being the first to reach Charleston, was fortunate in obtaining a fair supply of arms, but the other militia detachments were so ill supplied as to give great concern. Caswell was convinced "that little service could be expected from them with what they have." When the Assembly met, about the middle of January, he reported to that body that of the five thousand troops desired by congress, he was fearful that not more than half had marched, and those badly armed. The continentals were in better plight. They were formed into two battalions, Sumner being in command.

Ashe

The nine
months'
continentals

S. R., XIII.
62,
XIV, 43

*This name was afterward changed to Kinston.

1779

February

Ashe defeated at Briar CreekS. R., XIV,
33, 34, 51
et seq.

February

1779

The British, having taken Savannah, had established posts at Augusta and at various intermediate points on the river. Toward the close of February, Lincoln, with a considerable force, was on the South Carolina side, near Savannah. Above him was Moultrie's camp, while Rutherford's brigade was twenty miles below the point where Briar Creek empties into the river on the Georgia side. General Williamson, with twelve hundred South Carolina militia, was higher up toward Augusta. Notwithstanding Ashe's force was so badly equipped and only raw militia, Lincoln selected it to make the first movement. By his direction Ashe marched rapidly from the vicinity of Charleston, passed the other detachments, and, leaving his baggage, hastened toward Augusta. On his approach the British evacuated that post and fell down the west bank of the river. Lincoln having ordered him to take position at Briar Creek, because of information as to the insecurity of that position Ashe advised him that it was hazardous. But, crossing on the 25th, he vigorously pursued the retreating enemy, reaching Briar Creek on the 27th. His swift march and energetic action was well in keeping with his decision of character. In the swamp at the forks, as ordered, he made his camp. He directed his baggage to cross at a point some eight miles above, sending six hundred men under Colonel Smith to guard it, and he despatched four hundred men under Colonel Caswell beyond the creek to surprise an outlying British post. Summoned by Lincoln to attend a council of war at Rutherford's camp, he left his army, now reduced to about six hundred men, under the command of General Bryan, with whom was Colonel Elbert, an experienced continental officer of Georgia, and Major Lytle, equally experienced. At the council it was decided that Williamson should cross and join Ashe and they should press down the west bank of the river and clear the way for Rutherford and Lincoln to cross into Georgia.

On Ashe's return at noon of March 2d he found vague rumors that the British were in his vicinity, and that Bryan was apprehensive. There had been friction between General Bryan and himself from the beginning of the march from Elizabethtown, almost resulting in a rupture, and Ashe made

light of Bryan's apprehensions. Two small parties of horse had been sent out to reconnoitre, and a strong line of pickets had been established three-quarters of a mile from the camp. Discrediting the rumors that could be traced to no definite source, and receiving no information from the reconnoitring parties, Ashe made no preparations to resist an attack, but busied himself in preparing for the forward movement. He was arranging to cross the creek some two miles south of his camp when, to his dismay, on the next afternoon Colonel Smith, who was guarding the baggage up above, despatched information that a large British force had passed around the swamp and was approaching from the north. Almost immediately the pickets became engaged; but the British column, consisting of nine hundred regulars, brushed them aside, advancing rapidly with fixed bayonets to surprise the camp before preparations could be made to receive them. In the absence of preparation there was almost no hope of a successful defence. Nor was there any road open for retreat. The position assigned the North Carolina force by Lincoln was a *cul de sac*, from which there was no escape. The drums beat an alarm, the outlying detachments on the creek were ordered in, and the troops were hastily formed into two lines and served with cartridges; but it was too late. "We marched out to meet the enemy, some carrying the cartridges under their arms, others in the bosoms of their shirts, and some tied up in the corners of their hunting shirts." The first line, with a few Georgia continentals under Colonel Elbert, and Colonel Perkins's regiment on the right, resolutely engaged the enemy. The Halifax regiment on the left of the second line almost at the beginning of the engagement broke and took to flight. The Wilmington and New Bern regiments after two or three rounds followed their example. The Edenton regiment remained on the field, but after two or three more discharges they, too, gave way just as Major Lytle with his command of light infantry and a brass piece came up. That the first line and a part of the second firmly stood their ground is attested by the heavy loss of one hundred and fifty killed and wounded on the battlefield.

The six hundred raw militia were not able to withstand

1777
S. R., XIV.
33

Ashe
surprised
March 3d

S. R., XIV.
52

The battle

272

Ramsay,
Hist. U. S.,
II, 297
S. R., XIV,
45-475
et seq.

nine hundred British regulars. The sight of the gleaming bayonets was too much for the untrained militia, hurriedly assembled and taken by surprise. The panic-stricken second line fled, and the others soon following. Elbert and his thirty-five continentals alone remained, fighting desperately; but these were quickly overcome.* The militia sought safety in the swamp, but one hundred and sixty-two privates and twenty-four officers were captured. The loss in killed was about one hundred and fifty. Those who succeeded in crossing the river, about two hundred, Ashe marched into Rutherford's camp; but as most of them had thrown away their arms they were now an incumbrance rather than of further use to Lincoln. The others who escaped through the swamp, toward Augusta, about two hundred and fifty, were long collecting. Ashe asked for a court of inquiry, which found much to his mortification, that he had not taken all the precautions proper to secure his camp. But considering the position in which Lincoln had placed him, and the great superiority of the attacking force, in any event only discomfiture awaited him. As the North Carolina militia were to be discharged on April 10th, on that day they began their return home, although their general and many of the officers sought unavailingly to persuade the men to voluntarily remain. This detachment was, however, immediately replaced by another under General Butler.

The
Loyalists
defeated

When Hamilton was organizing his Loyalist regiment in Florida, as he had prior to his departure arranged with leading Tories in the State to join him, his adherents were watchful of his movements. His regiment formed a part of the force that captured Savannah, and on the fall of that town the Tory leaders became active. Colonel Boyd, a resident of the lower Yadkin, collected a force of Loyalists, and, marching through South Carolina, was joined by others, who as they proceeded plundered the defenceless settlements through which they passed. Colonel Pickens, determined on revenge, hastily embodied some three hundred men and

*Colonel Elbert, desperately wounded, had fallen, and a British soldier was in the act of bayoneting him when he made a masonic sign, and his life was saved. He recovered, became greatly distinguished, and later was governor of Georgia.

came up with them near Kettle Creek as they were making their way to Augusta. In an action that lasted three-quarters of an hour the Tories were routed, about forty of them being killed, among whom was Colonel Boyd, and the others dispersed. Seventy of them were tried for treason by the South Carolina government and condemned to death, but this wholesale sentence was respited, and only five of the ringleaders were executed. General Prevost had counted much on the aid of the Tories of upper Georgia and of the two Carolinas, and the quick suppression of this first rising somewhat disconcerted his plans.

Dickerson's company of light horse had been taken into the service of congress soon after its organization, and served in New York and later in Pennsylvania, and always as a very efficient corps; but toward the close of the year 1778 its numbers were so reduced that by direction of congress it was returned to the State, and early in 1779 was discharged from further service. Major Phifer's light horse and Vance's artillery also were at the north with the Grand Army, and served at Brandywine and elsewhere.

In December, 1778, Colonel Hogun was directed to march his regiment from West Point to Philadelphia, as its time was soon to expire. The weather was very severe, but after a trying march he went into barracks at Philadelphia early in January. While he was there, on January 9, 1779, congress found time to make a tardy appointment of brigadiers for North Carolina. Sumner and Hogun were appointed, these being the senior colonels.* The former was directed to return to the south, organize the continental force then being raised in North Carolina, and join General Lincoln; while General Hogun was assigned to the command of the brigade, which continued during the winter and summer in the vicinity of West Point under the immediate command of Washington.

Although congress and the state authorities made pro-

*Colonel Clark had long been in command of the brigade, while Hogun had only his own battalion; and the Assembly urged Clark's appointment as brigadier, but Hogun's commission as colonel was two months older than Clark's, and he had so greatly distinguished himself at Germantown that Congress did not heed the wishes of the Assembly.

1779

The
continental's
at the North

S. R., XIV,
15

Sumner and
Hogun made
brigadiers

S. R., XIV,
392, 374

1772

The distress
of the
officersPref. Notes,
S. R., XIV;
viii. 302S. R., XIII,
812Currency
depreciation

Taxation

S. R., XIV,
255

vision for the continental soldiers, the officers had to depend on their pay for supplies; and because of the depreciation of the currency and the scarcity of cloth, their condition became insupportable. They complained bitterly that the legislature paid no attention to their distresses; and at length in the spring of 1779, they held a meeting at West Point and resolved that they would resign to a man unless the General Assembly supplied their needs. This action was not without effect. The Assembly directed that they should have provisions furnished them at the following prices: Rice, 8 shillings per gallon; sugar, 3 shillings per pound; tea, 20 shillings; soap, 2 shillings; and tobacco, 1 shilling; and that they should have a complete suit of clothing at what it would have cost at the time they first went into service; and, moreover, that they should have half pay for life, and that the lands granted to them, as well as to the soldiers, should be exempt from taxation while owned by them or their widows. This provision was accepted as satisfactory, and the storm that was brewing passed away.

In the Assembly it is to be noted that General Person was still proposing low salaries without avail; the house was largely against him. The paper currency, which at the beginning of 1777 was at par, a year later was three for one, and in 1779 opened six for one. To mitigate the hardships of taxation, commodities were to be received for one-half of each assessment. The price of corn was fixed at 33 cents per bushel; wheat, 43 cents; rice, 81 cents; pork, 3½ cents; beef, 2½ cents; tallow, 9 cents; flour, 2½ cents; salt, 2½ cents per pound; tobacco, \$3 per hundred; salt pork, \$9.37 per barrel. The money of that period was so bulky that Treasurer Skinner made a remonstrance to the Assembly that it was unsafe to carry large cartloads of currency through the country without a guard.

The better to supply the troops, each county was required to supply a certain number of hats and shoes and stockings, yards of woollen or cotton cloth and of linen, apportioned according to their population. Rowan's contribution was 124 hats, 248 pairs of shoes and stockings, 248 yards of woollen cloth, and 524 yards of linen; there was no cotton cloth to speak of made at that time. There were thus to be

collected about 3000 hats, twice that number of shoes and stockings and yards of woollen, and more than 12,000 yards of linen for the use of the troops. The value of these articles was to be ascertained by three freeholders in each county, the amount being deducted from the taxes assessed.

1779
S. R., XII,
639

There had been much opposition to the movement of troops to the southward, but when the legislature assembled in the middle of January events of such importance had happened that there was no longer any opposition to Caswell's patriotic course. The governor was empowered to order out at any time so many of the militia as he should deem necessary, and to march them wherever needed. In addition to preparing against foreign invasion, the Assembly now had to apprehend domestic insurrection. British emissaries were actively stirring the people up to sedition. As a part of their plan for invasion, George Carey, a British naval officer, came in a vessel to the Cape Fear, under a flag of truce, to distribute manifestoes offering terms of settlement to the people, without regard to continental or state authorities. He was promptly seized and thrown into jail by Francis Clayton and John Walker. The vigilance of the Whigs detected movements in the central counties that excited grave apprehension. Realizing the danger, the Assembly directed Governor Caswell to embody with all possible expedition two hundred and fifty infantry and twenty-five horsemen to take possession of Cumberland County, and to disarm all persons in Cumberland, Anson, Guilford, Tryon, and other counties, who might give trouble to the cause.

1779

S. R., XIII,
295

Before any action could be taken, early in February Colonel John Moore, a Tory of Tryon County, raised three hundred men, and he claimed that there were two thousand more ready for enrolment. Caswell, now fully authorized, acted with his customary decision. A force of seven hundred and fifty light horse was called out, Allen Jones being appointed to command it, and two thousand militia were drafted to meet at Salisbury on March 25th.

1779
S. R., XIV,
291

The command of this corps, whose ultimate destination was to replace the detachment at the south, then about to return home, was bestowed on General John Butler, of the

S. R., XIV,
273, 287

1779
 Hillsboro district. Calling his council together, the governor proceeded with them, along with the troops from the east, first to Campbellton and then to Charlotte, where he arrived early in April. The disaffected inhabitants were readily overawed, Moore fleeing the country and joining Colonel Hamilton's regiment, and on April 11th General Butler took his departure with seven hundred militia for Augusta. General Sumner likewise reached Moutrie's camp about the end of March, and in May reported seven hundred and fifty of the nine months' men on his rolls, of whom four hundred and twenty were present fit for duty, divided into two regiments designated as the Fourth and Fifth Continentals, commanded by Colonel Gideon Lamb and Major Lytle.

Gen. Butler

Gen.
Sumner

In April the nine months expired for which the regiment organized by General Hogen at Halifax* had enlisted, and Colonel Mebane was directed to march it from Philadelphia back to the State. He reached Halifax on May 10th, and the regiment was soon disbanded. The time for which General Butler's detachment was called out was to expire in July, and when the Assembly met in May it directed that two thousand new men should be sent to replace that force.

July 16, 1779
 S. R., XIV,
 327
 Stony Point

On May 31st the British had captured Stony Point, about thirty miles below West Point, and Washington resolved to retake it. General Wayne was selected for this purpose. In organizing a force for the secret expedition he chose, among others, the Second North Carolina Continentals. It was to be a night attack, and the approach was over a quagmire crossed by a single causeway. A forlorn hope was necessary, and Major Hardy Murfree volunteered with two of his companies for this post of honor. Just before midnight, with unloaded muskets, the assault was made. A deadly discharge of grape and musketry swept through the advancing column, but without avail. The enterprise was successful, and the entire garrison were either killed or

*The four new battalions sent to the North were raised for twelve months, and on the termination of their enlistment many joined the other battalions. But these in time came to be so reduced that the brigade consisted of only two battalions, Clark's and Patton's. Hogen's battalion thus was at first spoken of as the seventh, but later as the third.

captured. General Wayne himself was wounded, and Captain John Daves, second in command under Murfree, was dangerously wounded, but eventually recovered. This most brilliant feat of arms brought great credit and honor to all engaged in it, and none deserve higher commendation than the North Carolinians.

The new Assembly was to meet at New Bern, but the smallpox was raging so violently in that vicinity that Governor Caswell suggested that it should assemble at Smithfield, where it convened May 3d. Allen Jones and Thomas Benbury were again chosen speakers, and in the senate Samuel Johnston reappeared as senator from Chowan. Caswell was continued as governor. MacLaine declined the judgeship, deprecating his own abilities, and recommended the appointment of John Williams, who, having served a year in the Continental Congress, was now willing to abandon a post of honor whose compensation was so insufficient; and he was elected to the vacancy on the bench. As honorable as was the service in the Continental Congress, the great expense attending it rendered the position undesirable, and those chosen delegates were not eager to go to Philadelphia. Indeed, for long periods, only one delegate from North Carolina was in attendance. The congress therefore recommended an increase in the delegation, and Burke, Sharpe and Hewes were added to the other delegates, the Assembly agreeing to pay their actual expenses and to leave their compensation to the next Assembly. General Bryan, on his return from Briar Creek, having resigned, Colonel William Caswell was chosen to succeed him; and in the absence of General Butler at the south, Ambrose Ramsay was appointed to serve temporarily in his stead. The legislature, considering that it would be well for the General Assembly to meet at some fixed place near the centre of the State where the offices could be kept, appointed a commission to select the most convenient places in Johnston, Wake, and Chatham counties, and report a description of each place to the next Assembly. Thomas McGuire was chosen attorney-general in the place of Waightstill Avery, who had resigned that appointment, and John Pugh Williams was elected brigadier-general in the place of General Skinner,

May, 1773
S. R., XIII.
774, 792

John
Williams
succeeds
Fredell

Changes in
officers

S. R., XIII.
733

1779

who resigned; and the State being divided into six treasury districts, William Skinner, William Cathey, William Johnston, Green Hill, Richard Cogdell, and John Ashe were chosen treasurers of their respective districts.

S. R.,
XXIV, 254

Efforts to
enlist
continentals

S. R., XIV,
319, 320

July, 1779,
S. R., XIV,
181

The Tories
active

S. R., XIV,
321

June, 1779,
S. R., XIV,
129, 137
Lee's
Memoirs,
130
Stono

It being evident that continental troops, trained and disciplined in long continuous service, would be more effective than short-time militia called from their fields to action and anxious to return to cultivate their farms, unusual efforts were made to enlist continentals. To that end it was proposed that any ten militiamen who should furnish one continental recruit to serve eighteen months should themselves be exempt from all military service for that period, except only in case of actual invasion or insurrection. By this means, together with a liberal bounty, it was hoped that two thousand continentals could be recruited by July. But all these hopes were disappointed, and only about six hundred were raised, so that in July Governor Caswell was obliged to make another call on the militia districts for a force to relieve General Butler, the command of the new levies being conferred on General Lillington. As the detachments were being collected, however, a large force from Virginia passed through the State to the aid of General Lincoln, relieving his necessities; so for a time Lillington's drafts returned to their homes. And, indeed, there were other considerations that pressed Governor Caswell to defer this expedition. In Edgecombe, Nash, and Johnston Tory leaders were harboring deserters who had signed articles of association to prevent the militia from being drafted, and who inaugurated a reign of lawlessness, requiring a military force to restore civil authority. While at the west the Tories were again active, and Rutherford reported that there was an organized band in Burke publicly robbing the friends of America and murdering them, and that a conspiracy was forming for a rising immediately.

On June 20th General Lincoln attacked Colonel Maitland at Stono, in the vicinity of Charleston. General Butler's militia composed the right and General Sumner's continentals the left of the attacking force. In the front of the British line was Colonel Hamilton with his regiment of Loyalist North Carolinians. Both militia and continentals

behaved admirably. General Butler, much gratified, reported to Governor Caswell that he could with pleasure assure him that the officers and men under his command behaved better than could have been expected of raw troops. Lieutenant Charlton, of the continental brigade, was killed and Major Hal Dixon was wounded, as also was Major William R. Davie. It was the twenty-third birthday of this young officer, destined in after years to attain eminence both in military and civil life. He was in command of a detachment of cavalry. In a cavalry charge he was wounded and fell from his horse. His company soon began to retire, when a private, although the enemy were but a few yards distant, deliberately placed the wounded officer on his horse and led him from the field. Davie never knew the name of his deliverer. The wound in his leg was so severe that the major was incapable of further service during that year.

1779
—S. R., XIV,
312, 315Death of
Charlton

In July, the British having retreated from their demonstration against Charleston, General Sumner marched his continentals to Camden, and being in ill health, he returned to North Carolina and addressed himself to securing more continental recruits. The enlistment of many of his men expired in August, but others were constantly being sent to his camp, and about August 1st Colonel Lamb led a large detachment from the east to Camden, where he was joined by others from Salisbury. The sand hills of the Peedee were found to be most healthful and admirably located for a camp, and the continentals remained there until the last of the month, when they marched to Charleston.

S. R., XIV,
157, 325, 338The
continentals
on the
sand hills

But hardly had they reached Charleston when a French fleet, bearing an army of thirty-five hundred men, arrived in the Savannah to co-operate with Lincoln in an attack on the British garrison of that post. The allies concentrated there early in September, but a month passed before the French were ready to attack, and North Carolina militia were hurried forward, but were detained at Charleston by General Moultrie. In the attacking column were the North Carolina continentals; with the defenders were Hamilton's Loyalist regiment. Though ultimately unsuccessful, the attack was made with great resolution, and for a time the standard of the North Carolinians floated over the parapet

S. R., XIV,
344Savannah,
October 3rdM. Ree's
Fredell, I.
435

1779
Lee's
Memoirs,
142

Hogun's
brigade

Feb., 1780,
S. R., XIV,
725

of the Spring Hill redoubt. The French lost 700 men and the continentals 240 out of a corps of 600.

As the British plans developed, the invasion of the South wore such a threatening aspect that toward the close of September congress directed the North Carolina brigade to reinforce General Lincoln, but Washington detained them for a time, and it was not until November 23d that the brigade broke camp on the Hudson and began its long march to South Carolina. About the middle of February General Hogun reached Wilmington with about seven hundred men, and on March 3d went into camp at Charleston. A little later Washington also sent all of the Virginia continentals south.

In 1779 the counties of Wayne, Montgomery and Richmond were established, the last named for the Duke of Richmond, while its county seat was called Rockingham, in honor of two friends of the colonists in Parliament.

CHAPTER XXXV

NASH'S ADMINISTRATION, 1780-81

The confiscation act.—Lillington's brigade.—The fall of Charleston.—The prisoners suffer.—Death of Hogen.—The delayed reinforcements.—Tarleton's quarters.—Invasion apprehended.—Caswell major-general.—De Kalb's reinforcements arrive.—Gates to command.—Activity of Rutherford.—Ramseur's Mill.—Rutherford pursues Bryan.—Plans of Cornwallis.—De Kalb encamps on Deep River.—Davie's enterprise.—Gates advances.—Battle of Camden.—Death of De Kalb.—Gallantry of Gregory and Dixon.—Gates's role.—The disaster.—At Charlotte.—Sumter's negligence.—Davie in advance.—The spirit of the people.—New supplies.—Preparations for defence.—The Assembly acts.—The Board of War.—Smallwood supersedes Caswell.

The confiscation act

The Assembly convened about the middle of October. The members felt that they had temporized long enough with the malcontents, and a bill was passed to carry into effect the act of 1776, confiscating the property of Tories. It was a strong and sweeping act of confiscation. Willie Jones and a dozen other representatives entered a vigorous protest against it. "It involves such a complication of blunders and betrays such ignorance in legislation as would disgrace a set of drovers," protested Jones, with emphasis. At that time, as later, hundreds of hogs were driven in droves from one part of the State to another where a market could be found, and the men so employed were known as "drovers." But notwithstanding Jones's disgust, the measure was passed, although later its severity was tempered, and it was not carried into full operation. Many of those who would not take the oath of allegiance were allowed to remain in the enjoyment of their homes, but became known even in the acts of the Assembly as "non-jurors."

General Jones having been appointed a delegate to congress, William Eaton became brigadier of the Halifax dis-

1779

S. R.,
XXIV,
263-268

S. R., XIII,
392

1779

November

trict, and, John Pugh Williams declining in the Edenton district. Colonel Isaac Gregory was also promoted.

Gen.
Lillington

S. R., XIV,
223

To aid General Lincoln, a detachment of three thousand men was ordered to be embodied and sent to South Carolina, and toward the end of December General Lillington led it southward. This brigade served at Charleston. The period of the enlistment expired just as Charleston was being closed up by the besieging British, and for the most part these troops remained and were surrendered.

S. R., XV,
336

From the first there had been a law that continental officers were not to command militia, and although there were in the State many fine officers trained in the continental army unemployed, this regulation debarred them from service with the militia detachments. But somehow Major Hal Dixon and Major Nelson served with Lillington, who during the campaign wrote to the governor: "I think myself very happy" in their appointment, "and could freely wish your Excellency would recommend these gentlemen to the Assembly if there should be more militia sent to the southward." That recommendation was followed, and Major Dixon subsequently had command of a militia regiment that did great credit to the State.

The fall of Charleston

1780

The British being in possession of Savannah, it was apprehended that Charleston would be their next point of attack, and strenuous efforts were made to put that city in a state of defence. On February 10th Sir Henry Clinton, having arrived with an additional force from New York, disembarked on John's Island, and at the end of March he passed the Ashley River above Charleston, taking possession of the Neck, across which Lincoln had, as defensive measures, cut a canal, constructed abattis, and built strong redoubts and batteries. It was thought that the British fleet could be successfully opposed; but on April 9th it passed the bar, ran by Fort Moultrie, and took possession of the harbor. To prevent its ascent, the channel of Cooper River was hurriedly obstructed by sinking there the entire American fleet, and so the way was still open for General Lincoln to retire from the city if he had chosen to do so.

Lee's
Memoirs,
148

But the citizens entreated him to hold the city, and in the vain hope of relief, he yielded to their earnest appeals. It was expected that the Virginia continentals, as well as militia from that State and the two Carolinas, would come to his aid, and that he would be able to raise the siege when these succors came. On April 6th Colonel Harrington, with some of the North Carolina militia, arrived, having entered the city by way of Addison's Ferry, and Governor Rutledge was collecting the South Carolina militia on the Peedee, and awaiting the arrival of the Virginia troops and Caswell's brigade.

Day by day the enemy approached nearer and nearer, until at length, on April 24th, Lincoln made a determined sortie to drive off their working parties. The detachment for this assault numbered three hundred men, composed of Hogun's North Carolinians, Woodford's Virginians, and twenty-one South Carolina continentals. The interruption to the operations of the enemy was ineffectual; and other than this one effort, Lincoln simply endured the trying ordeal of his unfortunate predicament. The fire of the British along the lines was continuous, and daily a few of the brave defenders fell at their posts. In all, the American loss was 89 killed and 140 wounded; that of the besieging force being about the same. At length, all hope of relief having faded away, and all avenues of escape being closed, and the citizens wearying of the siege, General Lincoln convened a council of his officers, and by their advice agreed to surrender. The capitulation took place on May 12th. His army at that time numbered two thousand continentals, five hundred of whom were then in the hospitals. In addition, there were more than a thousand militia, nearly all North Carolinians, for there were but few South Carolina militia in the city.

By the surrender the entire North Carolina line, embracing the new battalions as well as Hogun's brigade, was eliminated from the contest, all that were left being those on sick leave and such officers as were at home unemployed. Included in the surrender were General Hogun, Colonels Clark, Patten, and Mebane and fifty-nine other officers and eight hundred and fourteen rank and file. Under the terms

S. R., XV.
24, 46

S. R., XV.
2, 5

May 12

Marshall's
Washington,
533

S. R., XIV.
516, 827, 821

Destruction
of the
Continental
Line

1780

—

of capitulation the militia were paroled and allowed to return to their homes, but the continentals were kept in the harbor.

The
prisoners
suffer

The officers were located on Haddrell's Point, opposite the city, while most of the men were confined on the prison ships. The privates were subjected to horrible ill-usage, and many died from confinement on shipboard in that hot climate without suitable provision being made for them. The condition of the officers was somewhat better.* But while the officers had some conveniences, and engaged in gardening and had some amusements among themselves, still they underwent great privations. Notwithstanding some supplies furnished by North Carolina under a flag of truce, food was very scarce, and a petition to fish, in order to add to their limited supply, was refused by the British commander. To relieve the pressure of feeding these prisoners, Lord Germain, writing to Cornwallis, said: "What appears to me the most practicable measures for the purpose are the inducing the prisoners to enter on board the ships of war or privateers, or to go as recruits to the regiments in the West Indies, or as volunteers to serve upon the expedition against the Spanish settlements from Jamaica; and your Lordship will therefore take the proper steps for dispersing as many of them as possible in these several ways, or in such other ways as may occur to you as more practicable and effectual." Conformably to these directions, a considerable number of the prisoners were sent to the West Indies and were in a measure forced by the British into their service.

Prof. Notes,
S. R., XV,
xiv, 277

Death of
General
Hogun
B. G. Hist.
N. C., IV,
196

General Hogun sought to counteract the influences exerted by the authorities to detach the prisoners from the American cause, and although offered leave to return home on parole, he refused to be separated from his men. He knew that his absence would facilitate the efforts of the

*On March 27th, Colonel Washington while reconnoitering had come up with a party of the British, and in the engagement that ensued killed seven and took several prisoners, among whom was Colonel Hamilton. Thus it happened that Colonel Hamilton was a prisoner in Charleston at the surrender and was retaken by his friends. Of a kindly and generous disposition, he rendered much service to the North Carolinians, whose misfortunes appealed to his sympathy.

S. R., XV,
386

British in seeking recruits among the half-starved prisoners, and he fell a victim to his sense of duty. He died at Haddrell's Point January 4, 1781, a striking illustration of devotion and self-sacrifice. Of the eighteen hundred regulars who went into captivity on May 12, 1780, only seven hundred survived when they were paroled. After an imprisonment of twelve months an exchange of officers was agreed on; those who had not died in captivity were landed on James River and those exchanged returned to the army.

1-35
S. R., XV,
451

General Lincoln, in determining to hold Charleston, was in expectation that great efforts would be made to relieve him. The South Carolina militia were collecting; continentals were ordered to his aid from Virginia, and North Carolina sent forward a brigade of seven hundred men under Brigadier William Caswell. As Caswell marched from Cross Creek, the advance of the expected reinforcements, four hundred Virginia continentals under Colonel Buford reached the Santee, but the entrance to the city was then closed, and toward the end of April these detachments went into camp near Lanier's Ferry, on the Santee, where President Rutledge was then concentrating the South Carolina militia.

The delayed
reinforce-
ments

Prof. Notes,
S. R., XIV,
XI

Lee's
Memoirs,
164

Quickly after the fall of Charleston the British occupied Augusta and Ninety-six, and Cornwallis led a heavy force toward Rutledge's camp. Caswell and Buford falling back before him toward Camden. There they separated, and Caswell retreated to Cross Creek, where he arrived June 2d, while Buford took the upper route to Charlotte.

S. R., XIV,
827

On reaching Camden Cornwallis despatched Colonel Tarleton with his cavalry and some mounted infantry in pursuit of Buford, who was overtaken at the Waxhaws, thirty-five miles from Charlotte. Tarleton demanded an immediate surrender on the same terms agreed on at Charleston. These Buford refused. While the flags were passing Tarleton made his disposition for an assault. The instant the truce was over his cavalry made a furious charge upon the unsuspecting continentals, who had no orders to engage. In dismay and confusion, they offered no effective resistance, but threw down their arms and asked for quarter. No quarter was given. More than 100 were butchered on the spot, and 150 were so badly hacked up that

Lee's
Memoirs,
165

Buford's
defeat

1780

they could not be removed and for that reason had to be paroled where they fell. Only 53 were preserved as prisoners. Buford, with a few cavalry and less than 100 of the infantry, being the advance guard, managed to escape. He fled to Charlotte, where Colonel Porterfield, of Virginia, had arrived with a detachment of cavalry and artillery as well as infantry. Alarmed at the situation, Porterfield withdrew his force at once to Salisbury, and Tarleton returned to Camden. This butchery at Waxhaw aroused great indignation, and was commonly spoken of as "Tarleton's Quarters." While it created some dread of falling into his hands, and made him and his corps particularly odious, it inflamed the passions of the Americans and added increased animosity to the conflict.*

Invasion apprehended

South Carolina being, like Georgia, occupied by the British, the inhabitants generally were subjugated; and it was expected that Cornwallis would make no delay in invading North Carolina, which lay defenceless at his feet. A fleet was daily looked for to take possession of Wilmington, and it was apprehended that columns from Camden would penetrate to Cross Creek and Charlotte; but happily Cornwallis postponed further operations until he had established civil government in South Carolina.

April, 1780

Abner
Nash,
governor

While the siege of Charleston was in progress the new Assembly met at New Bern on April 17th. Governor Caswell being no longer eligible as governor, Abner Nash was chosen to succeed him. For three years Caswell had been the most important man in the commonwealth. He had discharged with great zeal and efficiency every patriotic duty. Probably no other man could have done so well. Unfortunately, under the constitution he could not be longer re-

*Banastre Tarleton was then less than twenty-six years of age. A student of the law, this was his first military service. He was below middle size, but muscular and active, and was a daring officer, capable of great endurance. Of a dark complexion and piercing black eye, he became noted for the violence of his temper and his sanguinary disposition. In his warfare he disregarded every prompting of humanity.

tained in the discharge of executive functions. But he was not to remain unemployed.

So urgent now was the necessity for prompt and decisive action that the Assembly at once created him commander-in-chief of the militia, with the rank of major-general, and ordered a draft, in addition to that commanded by William Caswell, of four thousand men. As usual, the men were slow in turning out, some declaring that they would not leave their homes until their bounty was paid, and no money had been provided for that purpose. His son having returned to Cross Creek, Major-General Caswell ordered the eastern drafts to assemble there, and he also hastened to that point.

On the departure of Clinton from New York on his southern expedition, congress, realizing the importance of making determined resistance, ordered south, in addition to the unfortunate corps of Colonel Buford, detachments under Colonel William Washington and Colonel Armand and the First and Second Maryland regiments and a regiment of artillery, all to be under the command of Major-General De Kalb.

These troops were too late to save General Lincoln, but their appearance in North Carolina was timely. The surrender of the southern army at Charleston and the destruction of Buford's corps caused great dismay among the patriots, while, on the other hand, the Tories were jubilant. The arrival of De Kalb with his regulars, well supplied with ammunition, tended in some measure to restore confidence; but yet all military movements were delayed and hampered by the want of provisions, that could not be immediately supplied.

On the surrender of Lincoln, as De Kalb was not thought equal to the command of the department, Gates, wearing high honors as the victor over Burgoyne, was despatched to direct affairs at the south; and Colonel Morgan, who had achieved a great reputation by his operations with his corps of light infantry, but who had been temporarily in retirement from illness, was urged to again enter upon active service and aid in defending the southern states.

1780

May

S. R.
XXIV,

335.3.9.341

De Kalb's
reinforce-
ments arriveGates in
command

1780

June

Activity of Rutherford

Although the interior of North Carolina was now open to the victorious British, Cornwallis found it necessary to devote some attention to affairs in South Carolina. Nor did he desire to enter on a campaign until a plentiful supply of provisions could be assured from the maturing crop. So while relying much on the assistance of the Tory inhabitants, he directed them to remain quiet in their homes until he should call them to action. Thus for a time there was a period of quietude.

Graham's
Graham,
213 et seq.

But because of the proximity of the enemy, early in June General Rutherford, always zealous and resolute, called on his brigade, of whom eight hundred promptly assembled, and on the 14th of that month, at Mallard's Creek, somewhat to the east of Charlotte, he organized his command. A battalion of light infantry was committed to Colonel William L. Davidson, a continental officer, and two small troops of cavalry under Captains Simmons and Martin were assigned to Major Davie. On that evening Rutherford received information that the Tories were embodying in Tryon County, some forty miles to the northwest, and fearing to reduce his own force, he directed Colonel Locke and Captains Falls and Brandon, of Rowan, and Major Wilson, of Mecklenburg, to make every effort to disperse them. He himself advanced to the south of Charlotte.

Ramseur's Mill

Tories rise

Colonel John Moore, whose family resided near Ramseur's Mill, on the south fork of the Catawba, had joined the British army the preceding winter, and now had returned home, announcing himself as lieutenant-colonel of Hamilton's regiment. He was soon joined by Nicholas Welch, a major of the same regiment, and the Tory inhabitants, feeling certain that the time had come for a rising, on June 20th nearly thirteen hundred of them assembled at Ramseur's Mill.

In view of this movement, Rutherford made such dispositions that Colonel Locke felt strong enough to attack Moore and his followers. The Tories were encamped on a hill half a mile north of the present village of Lincolnton.

with a gentle slope in front and a clear fire for two hundred yards. Locke having reached their neighborhood at day-break, the attack was made by the mounted companies of Captains Falls, McDowell, and Brandon, the infantry under Colonel Locke being near at hand. The Whigs got the better of the battle. At times the two parties, having no distinctive uniforms, mingled without being aware of it. Eventually the Whigs obtained possession of the ridge at first occupied by the Tories, who, however, reformed across the neighboring creek, being much more numerous than their assailants. Rutherford, however, had advanced into that vicinity, and after some parley the Tories dispersed. Moore sought safety in flight, and with thirty men succeeded in reaching the British camp at Camden; the others returned to their homes. The loss on each side was about the same. Fifty-six lay dead on the ridge where the battle was hottest, with others scattered on the flanks. In addition, a hundred of each party were wounded. Fifty of the Tories were taken prisoners. "In this battle between neighbors," says General Graham, "near relations and personal friends fought on either side, and as the smoke would from time to time rise from the field they could recognize each other engaged in deadly contest. In the evening and on the next day the relations and friends of the dead and wounded came in, and a scene was witnessed of affliction and distress quite indescribable. Of the Whigs, Captains Falls, Dobson, Smith, Bowman, and Armstrong were killed, and Houston and McKissick wounded; while of the Tories, Captains Cumberland, Murry, and Warlick were killed and many well-known inhabitants wounded. So distressing was the result of this first encounter between the Whigs and Tories of that immediate section that from that time onward the Loyalists never actively engaged against their Whig neighbors."

On the second day after the dispersal of Moore's Tories at Ramseur's Rutherford received information that a considerable number were embodying in the forks of the Yadkin, at the north end of Rowan, near Surry, some seventy-five miles distant, under the command of Colonel Bryan. He immediately despatched Davie with his cavalry to Waxhaw Creek to watch the British, while he himself hastened to

1780
June 20th

Tories
dispersed

Graham's
Graham,
220

Rutherford
pursues
Bryan

1780
June

attack Bryan. That active commander, however, crossed to the east of the Yadkin and continued his route through those settlements which were much disaffected, being joined so generally by the inhabitants that by the time he passed Abbott's Creek his force had swollen to seven or eight hundred men. Rutherford hoped to intercept him, but Bryan, panic-stricken by the result of the affair at Ramseur's, marched night and day until he was able to form a junction with a British force under Major McArthur, whom Cornwallis had thrown forward, and who advanced to Anson Court House.

Cornwallis's plans

S. R., XV,
252

These movements of the Tories were premature. Cornwallis wrote on June 30th that he had established satisfactory correspondence, and had seen several people of credit from North Carolina, and they all agreed in assuring him of the "good disposition of a considerable body of the inhabitants," but that it would be impossible to subside troops there until after the harvest. He therefore had sent emissaries, recommending in the strongest terms that they should attend to their harvest and remain quiet until the king's troops should enter the province. He referred to Moore's rising as having been "excited by the sanguine emissaries of the very sanguine and imprudent Lieutenant-Colonel Hamilton," and hoped that no evil would result from that "unlucky business." Although advised of every detail of the American movement, Cornwallis had no apprehensions but that North Carolina would at his pleasure be "perfectly reduced." Expecting an immediate invasion of North Carolina, the American troops had been concentrated well to the north, to give time for the arrival of reinforcements; but toward the end of June De Kalb determined to move forward, and established a camp on Deep River, awaiting a supply of provisions to carry him into the Peedee section.

S. R., XIV,
501, 502

De Kalb
encamped on
Deep River

There was a sandy barren, virtually destitute of provisions, as of inhabitants, lying between the Deep River and Cross Creek, and extending to the west and south toward the South Carolina line; but in the Peedee section supplies were

generally very abundant. About the middle of July De Kalb took post at Cox's Mills, on the Deep River, where General Caswell with the militia joined him, while General Rutherford and General Harrington moved cautiously down near the Cheraws, Sumter and Davie being still further in advance.

1780.
S. R., XIV.
373
July

Davie's enterprise

In the meantime, Davie, with his small body of cavalry, was manifesting a spirit of enterprise that has rarely been equalled in partisan warfare. Being in the vicinity of Hanging Rock, one of the British outposts, on July 20th he intercepted a convoy of provisions and clothing intended for that garrison. The dragoons and Loyalists who guarded the convoy were captured and the horses and arms safely brought off, but the wagons of provisions had to be destroyed. A few days later he unexpectedly appeared at Hanging Rock, intercepting three companies of mounted infantry who were returning from an expedition, and in plain view of the garrison cut them to pieces, securing one hundred good muskets and sixty horses by that adventure. His own loss so far had not been a single man. He and Colonel Sumter, of South Carolina, and Colonel Irwin, of North Carolina, now arranged for a combined attack on Hanging Rock, to be undertaken on August 5th. Davie's force had increased to about five hundred men and Sumter's to three hundred. Among the garrison were Hamilton's regiment and Bryan's Tories, and North Carolinians again faced each other on the battlefield. Just after break of day the assault was made, and the Americans took the garrison by surprise. At first they routed the enemy and possessed themselves of the camp; but the pursuit and the plunder of the camp threw the Whigs into great confusion, and the enemy rallying, a retreat became necessary. An hour was spent in plundering the camp, taking the paroles of British officers and attending to the removal of the wounded, and then the men, loaded with plunder, marched off cheering for the American cause.

Lee's
Memoirs,
159, 176

Wheeler,
Hist. of N.
C., II, 129
et seq.

1780
August

Musgrove's Mill

While Davie was active in that quarter, the mountain men were operating farther to the west. Colonel Charles McDowell, having been joined by Colonel Shelby and Lieutenant-Colonels Sevier and Clarke at his camp near Cherokee Ford, on Broad River, despatched them with some six hundred men to attack the Loyalist leader, Patrick Moore, who had a fortified post on Pacolet River. They were successful, Moore surrendering some ninety-three Loyalists and two hundred and fifty stands of arms. Immediately afterward Colonel Ferguson arrived in their vicinity, and a skirmish took place at Cedar Springs, the Americans retreating, but carrying off some fifty prisoners from the field. McDowell, learning that there were five hundred Tories encamped at Musgrove's Mill, on the Enoree, some forty miles distant, again detached Shelby, Clarke, and Williams, with seven hundred horsemen, to surprise them. Skilfully avoiding Ferguson, they reached the Tory camp at dawn on the morning of August 19th, and meeting a strong patrol party, a skirmish ensued. At that juncture Shelby learned that the Tories had been heavily reinforced by a regiment of British regulars. Shelby at once constructed some breast-works, and sent forward a small party to lure the advancing force into ambush. The stratagem succeeded. The British, hastily pursuing the retreating party, rushed in disorder to where the Whigs were concealed, and their commander, Colonel Innes, and all the other British officers except one subaltern having been killed or wounded, the pursuit was turned into a rout, and the Americans drove them beyond the Enoree. The British loss was 63 killed and 160 wounded and taken, while that of the Americans was only 4 killed and 9 wounded. General McDowell, having now received information of the disaster at Camden, withdrew his forces, and Colonel Shelby retired beyond the mountains, while Colonels Clarke and Williams conveyed the prisoners to Virginia.

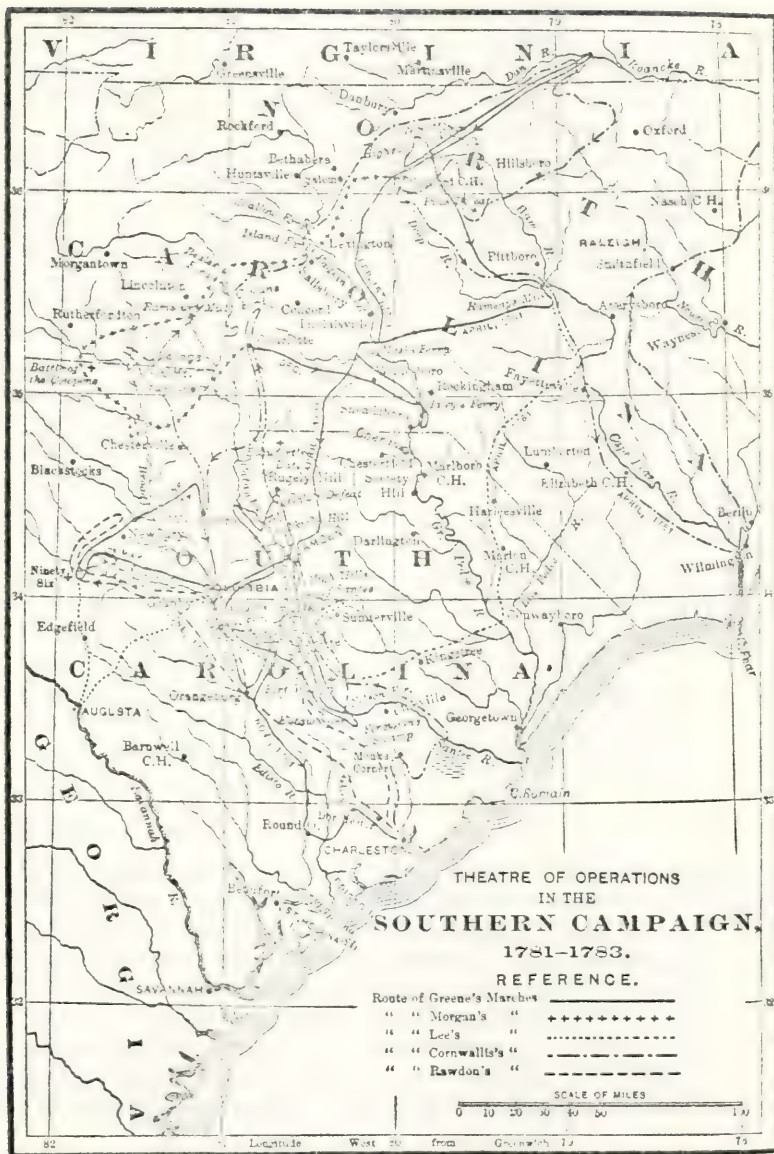
Schenck,
North
Carolina,
1780-81,
76-79

Activity at
the West

Gates advances

S. R., XIV.
522, 523, 511

On July 31st General Caswell united his forces, composed of the eastern brigade under General Isaac Gregory



and that of General John Butler, with Rutherford's at the Cheraws, and General Gates, who had joined De Kalb, was about to make a junction with him. Colonel Porterfield, of Virginia, with three hundred Virginia continentals, was also coming up, while General Stevens, with seven hundred Virginia militia, was at Cox's Mills getting supplies to subsist his troops while en route to the advanced forces. By August 7th Gates reached Caswell, and a week later the combined forces encamped at Rugeley's Mills, in the vicinity of Camden, where the British had established their headquarters. Since the defeat of Buford all that region had been harried by strong bands of Loyalists. The Tories had joined their partisan leaders, and those inhabitants who sympathized with the American cause had either fled from their homes or had been captured and carried away by their enemies. The country was deserted and was a scene of desolation. It was with the greatest difficulty that food could be obtained for man or beast from day to day.

1780
August

Being informed by General Sumter that a convoy of stores for the army at Camden was approaching from Ninety-six, and that he could intercept it at the ferry, one mile below Camden, if supplied with artillery, Gates now detached four hundred men under Colonel Woolford, of the Maryland line, with two light pieces to aid Sumter in that service.

Lee's
Memoirs,
179

Gates having brought together his remaining troops determined to take an advantageous position, which had been carefully selected, about five miles from Camden, and on the night of August 15th moved his army forward for the purpose of occupying it.

The battle of Camden

In the meantime Cornwallis, having been apprised of the advance of the American army, left Charleston with a large re-enforcement, and reached Lord Rawdon at Camden on the 14th. In that extremely hot season it was convenient to make military movements at night rather than in the day. At ten o'clock on the night of the 15th Cornwallis set his troops in motion with the purpose of attacking Gates at early dawn. Gates had ignored the value of cavalry, and knew nothing of Cornwallis's movements. Assuming that Rawdon's force

Aug. 16, 1780
Lee's
Memoirs,
181 et seq.

1780

August

was largely inferior to his own, on the same night, the 15th, he marched with confidence, taking no precautions. About half-past two o'clock that night, while leisurely on the march, his army came unexpectedly in collision with the British force that had moved out to surprise him. The meeting was unexpected to both. The British quickly routed Armand's troop of a hundred horse, in the advance, which recoiled at the unexpected discharge, became disordered and retired. Close behind were Porterfield's corps on the right and Major Martin Armstrong's light infantry, North Carolina militia, on the left. These resolutely withstood the enemy and brought them to a halt, but unhappily the gallant Colonel Porterfield fell in this first encounter. Prisoners being taken on both sides, the commanding generals soon became aware of the unexpected situation. The two armies remained through the night, excited, ardently looking for the approach of day, anxious for the conflict. Gates arrayed his army promptly, Maryland and Delaware continentals under Gist on his right, North Carolina militia under Caswell in the centre, Virginia militia under Stevens on the left. The First Maryland Brigade under Smallwood formed the reserve. De Kalb took post on the right, while Gates placed himself between the line of battle and the reserve. Cornwallis's right wing under Webster, composed of disciplined regulars, at dawn made a furious assault on the Virginia militia, and the brave Stevens had to endure the mortifying spectacle of his brigade seeking safety in flight, throwing away their arms without exchanging more than one fire with the enemy. Caswell's militia in the centre, now threatened both in front and flank, soon followed this shameful example. Stevens, Caswell, and Gates struggled hard to rally the fugitives, but in the entire absence of cavalry the attempt was hopeless and the panic continued. General Rutherford acted with distinguished gallantry, but received a musket ball through his thigh, which disabled him, and he fell prostrate on the field. General Butler vainly endeavored to keep the centre of the North Carolina line in position, but it quickly gave way. General Gregory on the right was more fortunate. His courageous example was followed by a large part of his brigade, and he stoutly

S. R., XV,
333Ramsay's
Hist. U. S.,
II, 350
Gen.
Gregory

maintained his position and adhered to the Maryland line; but he, too, was wounded in the thickest of the fight. Indeed, twice was he wounded by the bayonet, and many of his brigade had no other wounds than from the bayonet. But the odds were too heavy. On the American right the continentals and Major Hal Dixon's regiment of North Carolina militia stood their ground with devoted courage. They made stubborn resistance. Indeed, they not only repelled the attack, but drove the enemy back from their first advanced position. Although greatly outnumbered, resorting to the bayonet, they rushed the enemy before them, taking many prisoners. Smallwood, advancing, covered their left flank, but soon was borne down by Cornwallis's heavy columns. De Kalb made one last resolute attempt for victory, and fell with eleven wounds. Again the bayonets of bloody butchers were about to pierce him, when his aide-de-camp, Colonel Du Buysson, covered the prostrate general with his own body and received the bayonets thrust at his friend. The old hero poured out his life blood for American liberty and shortly expired, honored by his foes and lamented by his friends. The Delaware regiment was nearly annihilated. More than one-third of the continentals were killed and wounded and a hundred and seventy taken prisoners. A hundred of the North Carolina militia also fell on the field, and three hundred were captured. Rutherford, badly wounded, was taken, and for a time North Carolina lost his valuable services. As resolute and courageous as were this brave man and General Gregory, neither won higher commendation than Major Dixon. "None," says Lee in his "Memoirs," "can withhold applause from Colonel Dixon and his North Carolina regiment of militia. Having their flank exposed by the flight of the other militia, they turned with disdain from the ignoble example. . . . In every vicissitude of the battle this regiment maintained its ground, and when the reserve under Smallwood, covering our left, relieved its naked flank, forced the enemy to fall back." Dixon's troops emulated the noble ardor of their leader.

Dr. Hugh Williamson, who was surgeon-general on Caswell's staff, attended the prisoners, of whom, however,

1780
August

Hal Dixon

The fall of
De Kalb

Lee's
Memoirs,
186

S. R., XV,
106

1780

Booth Boote

no satisfactory returns could be obtained, as the British commissary of prisoners was, says the doctor, "one Booth Boote, whose character does not appear to be diversified by a single virtue, and who would never do anything that would prove acceptable to us."

Gates's ride,
Wheeler,
Hist. North
Carolina, II,
104

General Gates hardly waited to learn the issue of the battle. Not succeeding in rallying the Virginia militia, although he and General Caswell made a third and last attempt, more than half a mile distant from the battle, he made no new dispositions, gave no further orders, but abandoning his army and his stores, he made such hot haste that at only a few miles from the field he was the first, except alone one frightened horseman, to meet Major Davie, then advancing to unite with the army. He was the first to give Davie information of the disaster. Davie proposed to proceed and bury the dead. "Let the dead bury the dead!" exclaimed the excited hero of Saratoga as he resumed his speedy way, attended by General Caswell and some members of his staff. About eleven o'clock on the night of the 16th Gates reached Charlotte, seventy-two miles distant from the battle ground, bringing the news of his sad reverse. He did not stop, but pressed on to Salisbury, and thence to Hillsboro.

Graham's
Graham,
243

Caswell, however, remained a day at Charlotte, giving some directions for the movements of the eastern regiment, that fortunately had not reached his camp in time to join the army, and ordering out the militia of Mecklenburg and Rowan and Lincoln counties: and then, like Gates, he rode on to Hillsboro.

The
disaster,
Ramsay's
Hist. U. S.,
II, 351

In the action every corps was broken and dispersed. The fugitives, pressing down the main road, were pursued some miles by Tarleton's legion, and the way was covered with arms, baggage and wagons. Many took to the woods and sought to escape into the swamps. It was a painful rout, the men without officers, without provisions or baggage, and great numbers without arms, the wounded and sick borne along without conveniences, and the weather extremely oppressive. The suffering was intense. Indeed, the horrors of that fearful rout cannot be adequately portrayed.

S. R., XIV,
569, 570

Soon Charlotte became crowded with troops in retreat

from the disaster and with militiamen who were hastily collecting. Neither the officers nor soldiers of Gates's army, however, remained at Charlotte, but kept moving toward Salisbury. General Smallwood, whose brigade was the last on the field, being hotly pressed, turned from the road, and it was supposed that he was either killed or taken, but on the third day after the battle he arrived in Charlotte, to the great joy of every one. His conduct gained for him the confidence not merely of the regulars, but of the militia, and he was at once consulted as to what action should be taken. He encouraged the militia to embody and to make strenuous resistance if the enemy should advance. On the 20th, however, he and all the other officers and men who had come in set out for Hillsboro.

173.
August
Smallwood

On learning the woeful news, Davie, realizing Sumter's danger, at once despatched a courier to inform that kindred spirit, who had been so recently associated with him in daring enterprises, of the catastrophe. Sumter had been entirely successful in his last undertaking, and had captured forty wagons of booty and nearly three hundred prisoners. He immediately decamped, but Cornwallis hurried Tarleton in pursuit. On the night of the 17th Sumter halted at Rocky Mount, thirty miles from Camden, and the next morning proceeded eight miles farther, when, because of the heat and the fatigue of his troops, he again rested, ignorant of the pursuit. His arms were stacked; his troops scattered, many asleep, he himself asleep under a wagon, when Tarleton, having gained his rear unperceived, fell upon the unsuspecting Americans, who were seized with consternation at the assault. There was but slight resistance and then general flight. Out of eight hundred men, only three hundred and fifty escaped; while Tarleton recovered the British wagons, stores, and provisions, and took Sumter's artillery, arms, and baggage, killed many and preserved some prisoners.

Sumter
routed

Lee's
Memoirs.
138

When information was received of the catastrophe that had befallen Sumter's corps, the people of Mecklenburg, alarmed at their exposed position, held a meeting to determine on a course of action. It was resolved that Colonel Irwin, the colonel of that county, should form a camp some

Graham's
Graham,
246

1780

seven miles to the south of Charlotte, and Davie's cavalry should patrol toward Camden. In a few days Colonel Locke arrived with some militia from Rowan; and Governor Nash, learning that Rutherford was a prisoner, commissioned Colonel Davidson as temporary brigadier-general and Major Davie as colonel of cavalry, and every exertion was made to offer resistance.

The spirit of the people

Severe indeed was the disaster, and for it Gates was vigorously condemned. "There are three capital . . . errors ascribed" to General Gates, wrote Davis to Willie Jones. "First, in not ordering a place of rendezvous in case of a defeat; secondly, in not having the baggage secured, it remaining all the while with the army; and thirdly, in quitting the field of action some time before the regulars gave way, and riding post to Hillsboro, two hundred and thirty miles in seventy-five hours. He is . . . execrated by the officers, unrevared by the soldiers and hated by the people."*

Not only was the large army that had been collected at great pains and expense destroyed, but all the artillery, two thousand stands of arms and nearly all the military stores sent to the south by congress fell into the hands of the enemy. Following so swiftly on the loss of the entire continental line at Charleston, this blow was an immeasurable calamity to the State. The dark hours that try men's souls had indeed come. The loss of brave and courageous soldiers at the north and the annihilation of the continental battalions robbed the State of thousands of her choicest spirits. But those who remained did not falter; the resolution of the North Carolina patriots never wavered, and their courage rose higher and higher under the calamities that had befallen them. As deplorable and distressing as the situation was, it was bravely met. Immediate preparation was made

*On the other hand, consider the opinion of Lee, a soldier, and compare it with Davis, the civilian: "This rapid retreat of General Gates has been generally supposed to diminish his reputation. Not so, in truth. It does him honor, as it evinced a mind capable, amidst confusion and distress, of discerning the point most promising to renew with expedition his strength; at the same time incapable of being withheld from doing his duty, by regarding the calamity with which he was sure to be assailed." (Lee's Memoirs, 100, ed. 1827.)

to resist the invasion that was now imminent; but for the moment North Carolina was defenceless and lay open to the conqueror.

1780

Imports

Fortunately, other supplies were within reach. Trade between our ports and the West Indies was never entirely arrested, and many valuable cargoes continued to be imported; nor had the practice ceased of sending out privateers to prey on British commerce and make prizes of merchantmen. So it happened that several vessels came in just about the time Gates lost his stores, bringing cargoes tending to supply those losses. In particular, on September 4th there arrived in the Cape Fear two prizes made by the privateer *General Nash*, one cargo being invoiced at £10,000 and the other at £40,000 sterling, the latter being one of the most valuable captures made during the war, and having on board nearly everything desired for the soldiers. About the same time the Marquis of Bretigny also reached New Bern, bringing a quantity of powder, four hundred stands of arms, pistols, saddles, and accoutrements; while Dr. Guion's schooner likewise arrived with additional supplies. In fact, the enterprise displayed by the merchants was no less remunerative to them than beneficial to the State. It was also harassing to the enemy. Governor Nash in December mentioned in a letter to General Washington: "The enemy have not been entirely free of trouble off Charleston; and on the coast in that quarter during this summer they have suffered very considerably by our privateers, particularly by open rowboats. These boats, with forty or fifty men aboard, take almost everything that comes in their way. Two that went out in company returned here this week after a leave of about twenty days, in which time they took and sent in twelve valuable prizes, besides burning, I think, four."

S. R. XV,
70, 72Enterprise
on the water

All now was activity in the State. Smallwood established a camp at Salisbury, where the sick and wounded were assembled. Such ammunition and stores as remained at Mack's Ferry were speedily brought to the same point, and there began the nucleus of a new organization. General Harrington, with several companies of militia from Duplin, Onslow, Bladen, Cumberland and some of the Albemarle

1-30

counties, aggregating in all four hundred and fifty men, kept a vigilant watch and guarded the stores at Fayetteville. In his front, toward the coast, was Marion with a few horsemen, and over in Anson Colonel Kobb,* while down the Peedee the brave and energetic Kenan, of Duplin, patrolled with his squadron of horse. Farther to the west Davie and Davidson kept watch and ward.

Sumner
given a
brigade

S. R., XIV,
573

Governor Nash had called the Assembly together to meet at Hillsboro on August 12th, but a quorum of members had not reached there on the 23d. Time being precious, the members who had convened united in recommending that the governor should call out one-half of the militia of the State and direct the commanding officers to appoint commissioners to obtain the necessary supplies, either by purchase or impressment. Accordingly, the militia was directed to assemble at Hillsboro, Salisbury, and Charlotte. General Caswell despatched messengers to intercept the militia regiments of Jarvis, Exum, and Pastour, and to direct them to Ramsey's Mills, in Chatham, where a few days later he himself arrived, the strength of the brigade being some eight hundred men. To command it Governor Nash assigned General Sumner, as the most experienced officer of the State. On September 3d Caswell and Sumner proceeded with the brigade by way of Pittsboro to the encampment at Salisbury.

The Assembly acts

S. R.,
XXIV, 344

When the Assembly met, and it was not until September 5th that a quorum was assembled, it addressed itself with vigor to preparations of defence. Responding to the recommendation of the governor, it levied a tax in kind to be at once collected out of the abundant harvest. For every £100 value of property each inhabitant was required to furnish one peck of Indian corn or three pounds of good pork,

*Colonel Kobb was afterward murdered by the Tories. "Among the many murders and house burnings perpetrated by this banditti," says Lee in his *Memoirs*, page 553, "that of Colonel Kobb was singularly atrocious. A party of them, led by a Captain Jones, surprised the colonel on a visit to his family. He defended his house until he was induced by a promise of personal safety to surrender as a prisoner of war, when he was immediately murdered in the presence of his wife and children and his house burned."

or other provisions enumerated in the act, except that the inhabitants of Carteret might deliver instead a gallon of salt; and the Quakers, Moravians and "non-jurors" were to pay their entire tax in provisions. A loan of £1,000,000 was also directed to be made, while for the present the confiscation act was suspended. Many persons being in custody on the charge of opposing the State in its defence, for the "speedy trial of traitors" the magistrates of the different counties were given authority to try them, no counsel being allowed either for or against any prisoner, who, however, was at liberty to make his own defence, and should have reasonable time to prepare for trial; and there was to be no arrest of judgment in any case if the proceeding was of sufficient substance to convict.

1789

September

Total of
Times

The Board of War

Governor Nash had reported to the Assembly that the members of his council did not attend its meetings and gave him no aid; and he urged that other appointments should be made; and he also recommended that a Board of War should be created, who would share with him the responsibility of conducting military matters when the Assembly was not in session. Accordingly the Assembly created a Board of War, composed of Colonel Alexander Martin, John Penn, and Oroondates Davis, investing it with great powers, especially for concerting a general plan of operations for the defence of the State and carrying it into execution. General Harrington had somewhat earlier been appointed brigadier-general of the Salisbury district during the absence of General Rutherford, and now that Rutherford had fallen into the hands of the enemy the Assembly elected Colonel Davidson to that position. Harrington promptly tendered his resignation, but nevertheless, because of the emergency, he continued to act under his commission as brigadier, rendering efficient service on the southeastern border. General Smallwood, of the Maryland line, was enjoying a high reputation because of his admirable conduct at Camden, quite in contrast with the prevalent idea of the conduct of Gates and Caswell; and the Assembly tendered him the position of major-general and commander-in-chief

Board of
WarS. R.,
XXIV, 353;
XIV, 376;
XV, 139, 141Gen.
DavidsonSmallwood
supersedes
Caswell

1780
131S. R., XV,
131

of all the militia of the State, thus superseding Caswell, and giving Smallwood precedence over all the officers in the southern army except alone General Gates. This action virtually retiring him, Caswell indignantly resented; and he returned to his home at Kingston. A month later he wrote to Governor Nash, reminding him that "in the spring he had not only been appointed major-general to command the militia, but as well a member of the board to conduct trade in behalf of the State; and that as the Assembly had been pleased to dismiss him from the command of the militia, it is probable it would have dismissed him also from the Board of Trade had it occurred to them that he had been appointed a member of that board"; and so with some warmth he tendered his resignation of this latter position. For a time he remained entirely quiet.



1. JOSEPH WINSTON

2. JOSEPH GRAHAM

3. JOSEPH MCDOWELL (Quaker Meadows) 4. WILLIAM POLK

CHAPTER XXXVI

NASH'S ADMINISTRATION, 1780-81—*Continued*

Cornwallis moves to Charlotte.—Davie's gallant defence.—The activity of the Mecklenburgers.—Governor Martin's proclamation.—Movement on Augusta.—Ferguson marches westward.—The frontiersmen assemble.—Battle of King's Mountain.—Death of Chronicle.—The victory gives great joy.—Its effects.—Cornwallis retires.—His gloomy outlook.—Leslie in Virginia.—Moves to Camden.—Gates moves forward.—Cornwallis's disappointment.—Arrival of Greene.—His activity.—His forward movement.—The new year.—The Council Extraordinary.—Caswell reinstated.—Four new continental battalions.—No party divisions.—During Caswell's administration.—Nash's administration.—Dr. Burke's zeal to correct abuses.—Sam Johnston declines the presidency of congress.

Cornwallis moves to Charlotte

After the rout of Gates's army Cornwallis occupied himself at Camden arranging for the administration of civil and military affairs in South Carolina, and then the time being at hand for him to invade North Carolina, he moved to Waxhaw on September 8th, resting there for the Tories to embody and join him. Tarleton was thrown on his left toward Ferguson, who was operating on the frontier. At first while the British army lay at Waxhaw Colonel Davie alone was at its front. With a command not exceeding one hundred and fifty men, that enterprising officer on September 20th, by a circuitous march, fell on a detachment of some three hundred of the enemy at Wahab's plantation, routed them and brought off ninety-six horses, a hundred and twenty stands of arms, returning to his camp that same evening, having marched in less than twenty-four hours no less than sixty miles. On the same day Sumner and Davidson reached his camp with a thousand militia. Four days later Cornwallis renewed his movement, advancing on Charlotte, and Sumner and Davidson fell back toward Salisbury.

1780

Lee's
Memoirs,
193-196

Wahab's

Sumner at
the front

S. R., XIV.
047

1780

S. R., XIV,
37, 410, 681,
723; XV, 84New forces
concentrateS. R., XIV,
412

Davidson turned to the west, while Sumner took post at McGowan's Creek, where early in October General Butler's brigade of seven hundred joined him. General Jones with the Halifax brigade had been ordered to join Harrington in front of Campbellton, but he, too, was now marching with all haste to Sumner's camp. Colonel William Washington had enlisted some hundred troopers also in the eastern counties, and he with other partisan leaders were concentrating at Salisbury. General Smallwood and Colonel Morgan already in high reputation on October 7th, left Hillsboro for the front. Everywhere there was displayed the same energy and spirit. It was estimated that there were five thousand men concentrating for defence. The Board of War, however, was emphatic in directions that a general engagement was to be avoided, for a second defeat at that time would have had a most disastrous effect on the inhabitants and on the spirit of the militia, who had now in some measure rallied from the depression caused by the disaster at Camden.

Davie's gallant defence

Graham's
Graham,
251

Sept., 1780

At Charlotte

Locke killed

Davie with his troop of horse, now augmented by a few volunteers under Major Joseph Graham, remained to observe the enemy. On the night of the 25th he took a number of prisoners, and then himself retired to Charlotte. Early the next morning Tarleton's legion with some light infantry was seen advancing, followed by the main body. Determined to make a defence, Davie disposed of his small force advantageously at the court-house, and when the enemy, sounding a charge, advanced at a full gallop, he opened fire and drove them back with great precipitation. A second and third charge was similarly repelled; but at length the infantry turned his flank, and in good order Davie withdrew his companies, each in turn covering the other, and made a successful retreat. The enemy followed cautiously for some distance, when they ventured to charge the rear guard. They were stubbornly resisted and driven off, but unfortunately not without loss; Lieutenant Locke and four privates were killed, and Major Graham and five

others were wounded.* The following day after this brilliant affair at Charlotte Davie joined the army at Salisbury, but on the union of some mounted infantry from Granville under Colonel Taylor with his corps he felt strong enough to return to the immediate front of Cornwallis, who established himself at Charlotte.

1780
September

The activity of the Mecklenburgers

As trying as were the difficulties which beset the American commanders for the want of provisions, the troubles of Cornwallis on the same score were much greater. His foraging parties brought in but little, and they were so sorely harassed by Davie that the British army fell into sore distress for want of forage and supplies.

At Charlotte there were but a few houses, but it was a desirable location for an army because of the numerous mills in the immediate vicinity, at which corn and wheat could be ground for the use of the troops. At Polk's Mill, two miles distant from Charlotte, Cornwallis stationed a detachment of fifty men, and on September 28th Major Dickson with sixty cavalymen made the entire circuit around Charlotte and attacked that post. He was repulsed, but the assault added to the disagreeable position of the British commander. Five days later he despatched a detachment of four hundred and fifty infantry, sixty cavalry and forty wagons under Major Doyle toward the fertile fields of Long Creek, some ten miles to the northwest of Charlotte, to bring in forage and supplies. At McIntyre's farm a party of a hundred men and ten wagons was left to gather forage, while the others continued on. Captain James Thompson and thirteen of his brave neighbors resolutely attacked this party, and so vigorously that eight of them were killed and twelve wounded. Doyle was so alarmed by this unexpected assault that he hastened back, picked up his dead and wounded and then fled precipitately, having obtained only forage enough to load four wagons.

Graham's
Graham,
252, 260

Polk's Mill

McIntyre's

*In this encounter at the Cross Roads, St. George Locke, a son of General Matthew Locke, was literally cut to pieces in a most barbarous manner, while Captain Joseph Graham, in addition to being wounded three times with balls, received six sabre cuts and was left on the field for dead.

1780

October

Governor Martin's proclamation

Accompanying Cornwallis was the royal governor, Josiah Martin, who now entered the State for the first time since he departed from the Cape Fear in May, 1776. Hoping much from the Tories and disaffected inhabitants, who he conceived were attached to him personally, on October 3d he issued an earnest address seriously and solemnly calling on the faithful subjects of his Majesty with heart and hand to join and unite with the army, and exhorting all the young men to testify their loyalty and spirit by enlisting in a provincial corps to be under his immediate command; and offering a bounty of three guineas, full pay and free grants of land at the end of the rebellion. Couriers were at once sent off to disseminate this proclamation both to the west and the east, but before it could have operation came the news of the destruction of Ferguson's corps, which effectually suppressed all Tory risings.

Graham's
Graham,
264, 265

Movement on Augusta

Although the southern Indians adhered to the British, looking to the king of Great Britain for protection against the inroads of the colonists, intercourse with them was constantly maintained by Colonel Joseph Martin, specially employed in that service, and he managed with such skill, wisdom and prudence, that during that critical period of the war, they remained quiet, and the western borders were not menaced with the peril of a savage warfare.

Joseph
Martin

This fortunate circumstance left the frontiersmen free to take the field away from home when called upon. Somewhat earlier than Cornwallis's advance several detachments had embodied under local leaders with the purpose of attacking Augusta, where a large supply of arms, ammunition, blankets, salt and other commodities intended as the annual present to the Indians was then stored. Eventually all these united under Colonel Clarke, who marched toward Augusta. The British commander, Colonel Browne, having information of their approach, retired toward Ninety-six, but was overtaken at Garden Hill, where he fortified and gallantly defended himself, awaiting relief. After four days of siege relief came, and Colonel Clarke was forced to retire, carry-

Lee's
Memoirs,
193, 203
S. R., XV,
94

Garden Hill

S. R., XIV,
424

ing with him, however, a large amount of the Indian goods that had fallen into his hands. In the meantime other movements had been made among the frontiersmen, even as remote as Watauga and western Virginia.

170
September

Ferguson marches westward

To counteract these movements Cornwallis had detached Major Ferguson, an accomplished officer, with three hundred regulars and a small body of Loyalists, to proceed toward the frontier, arouse the Tories, collect provisions and suppress the Whig inhabitants. He was not only supplied with ammunition, but carried with him a thousand stand of arms for the Loyalists who were expected to join his force. Marching through upper South Carolina and then into North Carolina, Ferguson himself stopped at Gilbert Town, but a detachment penetrated as far as Morganton, and word was spread that he proposed to destroy all the Whig settlements. This information, instead of acting as a deterrent, aroused the Whigs of the frontier, who were already embodied ready for action. On September 14th Gen. William Lee Davidson ordered Armstrong, Cleveland and Locke to unite their forces and arrest Ferguson's progress; and the other Whig leaders were also moving. They resolved on Ferguson's destruction. Campbell, from Virginia, joined Shelby and Sevier at Watauga, their united forces numbering nine hundred men, and on September 25th crossed the mountains, where they were met by Colonel McDowell with a hundred and sixty others, and on the 30th, on the banks of the Catawba, they were reinforced by Cleveland with three hundred and fifty men of the counties of Wilkes and Surry. Marching south on the evening of October 6th, they were joined near Cowpens by Colonel Williams's force of four hundred. There information was received that Ferguson was near the Cherokee ford of Broad River, about thirty miles distant. A council of the principal officers was held, and it was thought advisable to set out that night with nine hundred of the best horsemen, leaving the others to follow as fast as possible. Marching all night, at three o'clock the next afternoon they reached the vicinity of Ferguson's corps.

S. R., XV.
163

Davidson's
orders

S. R., XIV.
115

The corps
unite

S. R., XV.
94

S. R., XV
106

1780

King's
Mountain,
Oct. 7thS. R., XV,
116, 114S. R., XV,
114Death of
Ferguson

The victory

Ferguson, having information of the approach of a Whig column, had taken a strong position on the top of King's Mountain, twelve miles distant from the ford, and in full confidence that he could not be forced from a post possessing such natural advantages. The assailants were formed into three divisions, and coolly ascended the mountain from different directions. The day was wet, and their approach being fortunately undiscovered, the Whigs easily took the British pickets. As the column was arranged, the Washington and Sullivan regiments, gaining their positions first, began the attack on the front and left flank; to the North Carolinians under Winston, Sevier and Cleveland was assigned the attack on the rear and other flank. Campbell on the centre opened a destructive fire, but Ferguson resorted to the bayonet and forced him back. At that instant, however, Shelby poured in a volley, alike effective. Ferguson turned furiously on this new foe, advancing with the bayonet; but Shelby, having reached the summit of the eminence, drove the British along the ridge to where Cleveland commanded, and his brave men stopped them in that quarter. Undismayed by this unexpected resistance, Ferguson now made a grand rally, his men fighting desperately; but all the Whig divisions acting in co-operation, the Tory force could make but slight impression. Ferguson used the Shelby, Sevier, Hambright, and Winston, and Major Shelby, and for an hour the battle raged without abatement. At length the British commander sought to escape on horseback, but fell dead trying to force his way.

The fire of the beleaguered Tories now slackened, and soon there was unconditional surrender. Of Ferguson's force 300 were killed or wounded; 100 regulars and 700 Loyalists were taken, and 1500 stands of arms fell into the possession of the Whigs. The loss of the assailants was small, but among the killed was Colonel Williams,* of South Carolina, distinguished as one of the most active and reso-

*Colonel James Williams, a native of Granville County, N. C. then resident in South Carolina, on application had been allowed by North Carolina \$25,000 to raise troops for the defence of North Carolina. He had under him troops raised in North Carolina, as well perhaps as in South Carolina. (S. R., XXI. 75; Graham's Graham, 263.)

lute of the partisan leaders, and Major William Chronicle, whose loss was greatly lamented. It was night before the prisoners were all secured, and the victors slept on the battlefield: but early the next morning they set off northward with their prisoners under the command of Colonel Campbell.

1780
—

Later, General Gates directed that the eight hundred prisoners should be conveyed to Fincastle, Va.; but on reaching Surry County they were turned over to Colonel Martin Armstrong, and within two months all but a hundred and thirty of them were either dismissed, paroled or enlisted in the military service for three months. There was great hope of using these prisoners for the purposes of exchange to set free an equal number held by the British, and much disappointment was felt when this design was frustrated by Colonel Armstrong's inexpedient conduct: nor did he escape without severe and indignant criticism, and the Assembly deprived him of his commission.

S. R., XV,
115

The
prisoners

S. R., XVII,
668

The victory gives great joy

The movement of the Whigs at the west was not unknown to Davie, Sumner, and Gates, and they were in anxious expectancy.

Three days after the battle the news of the victory was brought by a courier to Sumner at his camp on the Yadkin, who forwarded it to Gates at Hillsboro. Whatever comment might be made on General Gates's course up to this period, and he was thoroughly execrated by the people, it appears that in adversity he rose to the height of the occasion. With resolution and promptness he was preparing to renew the conflict. With joy and hope he hurried an express to Jefferson, then governor of Virginia, bearing "the great and glorious news"; and, urging forward promised help, he said: "We are now more than even with the enemy. The moment the supplies for the troops arrive . . . I shall proceed with the whole to the Yadkin." Smallwood and Morgan were already on their way, Morgan with his light infantry then eighteen miles beyond Guilford Court House and Smallwood with the cavalry was following fast.

S. R., XIV,
685;
XV, 117

Gates' spirit

A new inspiration pervaded every heart, and when the

S. R.,
XVII, 697

1785

Effects of
the victory

Assembly met, with grateful eulogium on their patriotism and heroism. It resolved that Colonels Cleveland, Campbell, Shelby, Sevier, Hambright, and Winston, and Major Shelby, should each receive an elegantly mounted sword for their voluntary, distinguished and eminent services.

Indeed, the victory at King's Mountain was no less extraordinary as a feat of arms than potent in its results. That undisciplined and unorganized volunteers operating under neither state nor continental authority should have achieved such a victory over a force equal in numbers, amply supplied with ammunition, ably commanded and so advantageously posted, attested the fighting qualities of the untrained inhabitants and gave new hope to those who had been disappointed at the conduct of the militiamen on other fields. It buoyed the hearts of the patriots in that dark hour and nerved them to greater efforts for resistance; while, on the other hand, not merely were the eight hundred Tories who had joined Ferguson eliminated from the contest, but all of the disaffected inhabitants west of the Catawba were suppressed during the remainder of the war. Ramseur's Mill was a disaster to the western Loyalists, but King's Mountain was their conquest.

S. R., XIV,
692-8

Nor was this the only catastrophe that befell them. Colonel Wright, a zealous Loyalist, embodied three hundred of the disaffected at Richmond, in Surry County, and began his march to unite with Cornwallis at Charlotte; but Sumner and Davidson hurried detachments against them, routed and dispersed them.

Cornwallis retires

S. R., XV,
285

Cornwallis was so hemmed in at Charlotte that for some days he received no information of the battle of King's Mountain. Indeed, he was also in utter ignorance of what was passing in South Carolina, as for nearly three weeks he had no intelligence from Camden, every express for him having been taken by the active partisan bands in his rear. No wonder he declared Mecklenburg "the most rebellious section of America," and that Tarleton spoke of it as "a veritable hornet's nest."

When the information reached him of Ferguson's death

and the complete annihilation of that corps, he was no less shocked than grievously disappointed. Not only did it unsettle all his plans, but it rendered his own situation alarming. Realizing that he could not rely on the assistance from the inhabitants which he had confidently expected, and apprehending that Ninety-six would be at once attacked, he determined to immediately retire from North Carolina. So on the evening of October 12th he abandoned Charlotte and turned toward the south. So far the tide of good fortune had rushed on without interruption, bringing him victory and well-earned fame, but now began a series of mishaps that led step by step to irretrievable disaster and ultimately to the final abandonment of British hopes of subjugation and an acknowledgment of the independence of the colonies.

Forced by untoward circumstances to retire from his advanced position, Cornwallis found South Carolina ready to rise against British rule. In its dire extremity that State had offered to remain neutral during the contest and to abide by the general result of the struggle elsewhere. Clinton, not content with such a submission, required the subdued inhabitants to enroll themselves as Loyalist militia and take up arms for the king. Many now determined to throw off this yoke and fight, if they must, for the success of the American cause; and partisan leaders were drawing around themselves corps of determined patriots that were a menace to British occupancy.

Contemporaneously with the departure from Charlotte a rainy season set in, and the troops suffered severely from sickness, while Cornwallis himself became so ill that he had to relinquish the command of his army, committing it to the care of Lord Rawdon. It was not until October 29th that he reached the country lying between Camden and Ninety-six, making his camp at Winnsboro the more readily to support those two principal posts.

October 1783

S. R., XV,
223, 227

Lee's
Memoirs,
102, 163

Partisan
corps

Sumter

Marion

S. R., XV,
227

Leslie in Virginia

As there was expectation that North Carolina would be subjugated and held, as had been the fate of Georgia and South Carolina, it was designed that after that event Corn-

1-28

Albemarle
threatenedS. R., XV,
143, 149

wallis would continue his victorious march into Virginia. To keep the Americans from concentrating against the Earl, General Leslie with a considerable force had been despatched from New York to the Chesapeake. During the month of October Leslie had penetrated down the Blackwater to South Quay, and, nearer the coast, to the Great Bridge. General Benbury at once embodied his brigade and marched to oppose him. After the battle of Camden General Gregory returned home to the Albemarle section, and now he gallantly took the field with his militia and checked Leslie's advance, repulsing the British with some loss on November 8th at Great Swamp.

S. R., XV,
285, 287,
292-299, 3-7Leslie
sails for
Wilmington

Oct. 21, 1780

Defeated in his purposes, Cornwallis now desired Leslie's aid at the south, but hesitated to order him to come to his relief. Clinton, however, left him free to co-operate with the southern army, especially as he had been sent to the Chesapeake to make a diversion in favor of Cornwallis's operations. Leslie, knowing that Cornwallis hoped much from the Loyalists on the upper Cape Fear, and that taking possession of Wilmington would encourage them to rise, determined to transfer his operations to that region. He therefore sailed from the Chesapeake on November 23d for Wilmington. Cornwallis being ill and the situation of his army dangerous, Rawdon, in temporary command, despatched vessels to intercept the fleet at Frying Pan Shoals and direct Leslie to come to his immediate assistance. So it happened that the corps lately operating near Norfolk made an unexpected appearance at Camden. Still further to ease Cornwallis, Clinton now hurried a new army under General Benedict Arnold to the Chesapeake; but for personal reasons, as he was obnoxious to the people, Arnold soon retired, leaving the command with General Phillips.

Gates moves forward

S. R., XV,
151, 160

Quickly following Cornwallis's withdrawal, Gates moved his continentals, numbering a thousand, to Charlotte, while Smallwood, who had superseded Sumner, much to the latter's disgust,* took post with the militia and Morgan some

*Sumner, like Caswell, resented the appointment of Smallwood as major-general of the militia and declined to serve under him, so when Smallwood reached his camp Sumner returned home.

fifteen miles farther to the front, calling his camp New Providence. General Stevens with five hundred Virginia troops, almost naked and unarmed, remained at Hillsboro.

178
Smallwood
at New
Providence

In the meantime, as the consequence of Gates's misfortune at Camden, congress had directed Washington to commit the Southern Department to another general, and Washington appointed Nathanael Greene to that command. Accompanying Greene to the south were Baron Steuben and Light Horse Harry Lee with his corps of dragoons, three hundred in number. The baron was, however, left in Virginia to conduct operations in that State, which was within Greene's department.

Greene

The Board of War organized at Hillsboro on September 12th, but soon all the members left except John Penn, who for some time conducted military affairs without any aid. The board relieved Governor Nash largely of his responsibilities, and in a measure encroached on his powers. It was active in giving direction and stimulating the county officers to renewed exertions, and zealously co-operated with General Gates and afterward with General Greene in preparing for defence.

S. R., XIV
376

Board of
War

Cornwallis was thoroughly disappointed with the result of the campaign. He had been led to invade North Carolina at that time because of the difficulties of a defensive war, and the hope that the Tories in North Carolina, who were said to be very numerous, would be active in aiding him. The defeat at King's Mountain, however, suppressed all Tory risings at the west, while to the east Harrington and the state militia kept the disaffected much in check; so Cornwallis found that their friendship was only passive, and he derived little assistance from their co-operation. He reported that only about two hundred had been prevailed on to join his camp. His chief difficulty, however, was the absence of supplies. These could not be furnished from abroad, and his army necessarily had to subsist on the country; and in this matter such Loyalists as engaged with him were found very efficient and a great help to his distressed troops.

Cornwallis's
disappoint-
ments

Tories
passive

1780

S. R., XV,
173**Arrival of Greene**

General Greene reached Charlotte on December 24, and at once Gates departed northward. The new general immediately began to take measures for the organization and efficiency of his army.

Greene in
command

His presence inspired zeal and confidence. Colonel Lee, who accompanied him, in his "Memoirs" says: "This illustrious man had now reached his thirty-eighth year. In person he was rather corpulent, and above the common size. His complexion was fair and florid; his countenance serene and mild, indicating a goodness which seemed to shade and soften the fire and greatness of its expression." Every element combined to commend him to the good-will and affections of his soldiers.

S. R., XV,
173, 174, 185

The neighboring country was so bare that General Greene's first step was to request the Board of War not to call out any more militia until satisfactory arrangements were made to subsist the troops. Writing to Washington, he reported that: "Nothing can be more wretched and distressing than the condition of the troops, starving with cold and hunger, without tents and camp equipage. Those of the Virginia line are literally naked. A tattered remnant of some garment, clumsily stuck together with the thorns of the locust tree, forms the sole covering of hundreds, and we have three hundred men without arms, and more than a thousand are so naked that they can be put on duty only in case of desperate necessity." To facilitate his purpose of transporting supplies he caused the Dan, the Yadkin, and the Catawba to be explored, hoping to utilize water transportation. He established a hospital at Salisbury, and the osnaburgs and sheetings in store were distributed among the women to be made into shirts for the soldiers. Colonel Polk, who was the commissary-general, retired, and Greene asked the Board of War to appoint Colonel Davie to that most important position.

S. R., XV,
184

Desiring to cover Cross Creek, Greene directed Colonel Kosciusko, of the engineers, to select a camp on the Pee Dee where provisions could be obtained, and after some delay, caused by terrible rains and bitter cold, on December 20th

he broke camp and moved his army to a location at the Cheraws.

1781

Morgan had already been advanced beyond the Broad with a detachment of three hundred Maryland regulars and the Virginia militia and Washington's dragoons, along with some four hundred militia embodied in the adjacent counties of North Carolina and some others from South Carolina and Georgia. General Smallwood, whose appointment to the command of the militia had resulted in the retirement of Caswell and Sumner, now himself returned to Maryland in order to hasten on re-enforcements and supplies from that State, and also to have settled a question of rank between himself and Baron Steuben.

January

S. R., XV,
134, 135

The opening of the new year was not without a bright lining to the clouds that had overcast the skies. There was at least a rainbow of hope in the heavens. Greene was now in command, Morgan in the advance, the State was again free from the presence of a hostile army, and renewed zeal was apparent among the inhabitants of every section.

The General Assembly was to have met at Halifax early in January, but the members arrived so slowly that it was the 26th before a quorum appeared. The Board of War, however, was in session and had control of military affairs. The army had suffered much from the inefficiency of the commissary department. In each district there was a commissary to obtain supplies, but no general head. General Greene had urged the appointment of Colonel Davie to be commissary-general for the State, but the Board hesitated to make such an innovation, not warranted by the act of Assembly; but finally, on January 16th, it conferred on that active and accomplished young officer the office of "superintendent commissary-general." Difficult as was the task imposed on Colonel Davie he performed it with a capability that rendered him one of the most useful men in the army, but it removed him from that branch of the service where he had won much fame by his daring exploits.

S. R., XIV,
490Davie,
commissary-
general

The Council Extraordinary

On the meeting of the legislature, Governor Nash complained bitterly that the Board of War had encroached on

Jan., 1-31
S. R., XVII,
673, 720

1781

S. R.,
XXIV, 375

his powers and duties as governor, and he offered to resign. The Assembly thereupon dispensed with that board and substituted a Council Extraordinary, electing Governor Caswell, Colonel Alexander Martin, and Allen Jones as members. Caswell was now a member of the house, and Smallwood having left the State, it was proposed to restore Caswell to his former command as major-general of the militia. Indignant at his former treatment, he, however, was not inclined to be complacent; and to placate him the Assembly passed a resolution declaring the reasons which had induced the appointment of General Smallwood, "and the high sense the Assembly then had and still have of the merits of General Caswell, and of the singular services by him rendered this State"; and he was appointed again to command the militia, and as president of the Council Extraordinary to conduct military affairs.

S. R., XVII,
736S. R.,
XVII, 562

His health, however, was poor, and his operations lacked his former energy. He established a camp near Halifax, and ordered out the various militia brigades, but the zeal and force that earlier distinguished his actions were not now so apparent.

He was directed by the Assembly to raise a regiment of light horse in the Wilmington and New Bern districts, and General Butler one in the Hillsboro district. Colonel Malmady was appointed to command the latter and Colonel Read the former. Both of these officers later served in South Carolina.

S. R., XV,
425, 426

There were many continental officers in the State unemployed, and as Sumner was the ranking continental Greene urged him to have these officers to repair to the camp and assist Caswell in organizing the militia. Sumner tendered his own services, and Colonel Ashe and Major Murfree also reported to Caswell and placed themselves at his disposal. But in addition to the indisposition to put the militia under the continental officers, the militia officers themselves held out for their own privilege of commanding their organizations; so that while a few experienced officers were employed, such as Major Dickson as inspector-general, Major Armstrong with the forces at Salisbury, and Colonel Read as commander of a regiment of horse, the services of many

of the most efficient regulars were not utilized by the State. Sumner hoped for the command of a brigade of militia, but met with disappointment. The General Assembly, however, made provision for four new regiments of continentals, and extraordinary measures were devised for filling up the ranks.

In order to raise these battalions, the Assembly offered a bounty of £2,000, and promised to every person who should enlist and serve one year "one prime slave . . . and six hundred and forty acres of land"; and provision was made for a draft from the body of the militia for the continental service. A tax in kind was levied, a large issue of bills was authorized, and the confiscation act was further suspended.

S. R.,
XXIV, 369

No party divisions

All seemed to vie in patriotic resolve. Indeed, during the period of the war, when every nerve was strained to accomplish success, all the public men were in accord, and there does not seem to have been any party divisions, except between Whigs and Tories. That there were differences in council based on policy and expediency is probable, extending to matters of finance and of taxation and to the treatment of the disaffected inhabitants; and certainly there were clashings arising from the natural ambitions of the leading men. But amid the turmoils and alarums of war it is not likely that there were discussions between candidates on the hustings, and no newspapers were published at that time in North Carolina. One of the differences among the people arose from the uncertain value of the currency, which depreciated because of excessive issues. Traders and speculators took advantage of the condition of affairs, still further depreciating it, and these became odious among the more patriotic inhabitants; but probably none of the public men were concerned in such proceedings.

No
new papers,
1778-83

The course of political action appears to have been influenced merely by natural considerations. If any divisions were evolved at the time of the formation of the State constitution, they do not seem to have been fostered and perpetuated. They passed away. Caswell and his council tendered appointments to Sam Johnston and other conservatives, as well as to their Democratic friends. Allen

1781

S. R., XIV.
34The public
men

Jones was year by year honored by the Assembly, while his brother, Willie, received no particular mark of its confidence, although Jones County was named for him. Iredell was appointed to the bench, and when he retired Maclaine, certainly a conservative, was elected. He declined, recommending John Williams, who was in high favor with the Assembly. On Avery's resigning the office of attorney-general, Iredell was elected to that position. The officers first appointed were generally re-elected to the same positions. The senate continued year after year of the same mind, while Benbury was constantly re-elected speaker of the house. In 1780 Willie Jones and Sam Johnston, supposed to be in antagonism, were elected delegates to the Continental Congress. Caswell, while governor, was not on good terms with Penn, nor later with Governor Nash. The Assembly, after Camden, deprived him of his command, and creating a Board of War, made Penn a member of it; and Caswell indignantly withdrew from all public employment. Six months later the Assembly smoothed his ruffled feathers, displaced Penn from the board and restored Caswell to power as major-general commanding the state forces and as president of the Council Extraordinary charged with the direction of military affairs. Next to him, Colonel Alexander Martin was apparently the favorite among the representatives. On the promotion of Howe he had become colonel of the Second Battalion, but was charged with bad conduct in battle, of which, however, he was subsequently acquitted. He resigned, and was chosen speaker of the senate, next in succession to the governor, and made president of the Board of War.

Harnett, one of the prime favorites earlier, had been compelled to withdraw from public employment because of impaired health; and General Ashe, still more advanced in years, likewise was a great sufferer, but continued as treasurer until 1781. Many of the first men in talents and in energy, having entered the military service, had become separated from the civil administration, while death had made considerable inroads in the ranks of the patriot leaders.

During Caswell's administration three years passed without invasion; and except local manifestations of disaffection

and the great efforts made to sustain the army and to send assistance to South Carolina, it was a period of repose, if not of peace. The inhabitants were measurably engaged in their customary vocations, the fields were tilled, the courts were held, the churches were open, schools kept, and the people lived much as usual. In general, the inhabitants reared in the forests had always been dependent on their own exertions for the comforts of life. But few articles had been imported from abroad, and the isolation of war brought no great change in the mode of living. Indeed, commerce was still continued, and necessary goods to some extent were imported; the spinning-jenny and the hand-loom were constantly employed, and the people were dressed in fabrics of their own manufacture. Salt was made on the coast, and iron, another essential, was forged at the Gulf, in Chatham County, in Johnston, in Nash, in Surry, Lincoln and other counties. The dividing line between Virginia and North Carolina had been run to the mountains by commissioners, those on the part of Virginia being General Joshua Fry and Peter Jefferson, and on the part of North Carolina, Daniel Weldon and William Churton; but population had extended into the wilderness beyond that line, and in 1779 commissioners were appointed to continue the line, separating Washington County from Virginia, and later Sullivan County was laid off. These two counties were to extend west to the Tennessee or Ohio River—for even then the course of those streams was not accurately known.

James Davis continued to publish his newspaper at New Bern, to print the laws and disseminate information; and for the speedy transmission of intelligence posts were established between New Bern and the several counties, while on special occasions horsemen were employed to carry news with despatch.

During Nash's administration the surrender of Charleston and the disaster at Camden and the invasion of Mecklenburg caused distress, and the extraordinary efforts made to organize a new army and sustain the troops in the field bore hard on the people and brought them to realize more fully than ever the dire calamities of war and the doubtful nature of the struggle in which they were engaged. As the years

1781

Life in the
State,
1776 to 1781S. R.
XXIV.
223, 224, 300

1776-78

S. R., XV.
223Nash's
administra-
tion

1781

passed many began to despair and grow weary of the sacrifices they were constantly called on to make. The successive drafts, the heavy taxes, the worthless currency, the impressments and the privations of the war disheartened hundreds who had once been zealous in the American cause.

Dr. Burke's zeal to correct abuses

S. R., XV,
774-775

In July, on the return of Dr. Burke to his home in Orange County from the Continental Congress, he found the troops who had recently arrived from the north in great distress for the want of food and forage, and that the quartermasters were committing the most wanton destruction of property. "Every mouth was filled with complaints, every countenance expressing apprehension, dejection, indignation, and despair had the place of the animated zeal" which he had before observed. Immediately he interposed to check the abuses, and he undertook that all who should voluntarily furnish supplies should be paid without depreciation and should be protected from all violence and injury. Much of the situation he attributed to ill-advised acts of the Assembly passed to restrain speculation, which prevented retailers from purchasing from the merchants and put a stop to importations. Natural trade and commerce, made the more necessary by the prevalent conditions, were totally arrested, and this evil he sought to remedy.

July, 1780

S. R., XV,
772, 773

The State had ordered out eight thousand militia, one division of which was already in the field, and the other was on its march to the general rendezvous; but the men were without arms, and none were procurable. At that time Governor Nash was at the east, and Dr. Burke urged him to come to Hillsboro, attended by his council, where he would be in more close communication with the army and could better deal with the important matters of the day. Even after the return of General Gates from Camden Dr. Burke was pressing on that general to correct the irregularities of his quartermasters in their dealings with the people. His interposition to protect the inhabitants from unnecessary exactions was greatly appreciated, spread his fame and increased his popularity, and at the next election he reaped his reward by being chosen governor.

Sam Johnston declines the presidency of Congress

1781

In the fall of 1780 Willie Jones attended the Continental Congress, but returned home on the opening of winter. On December 29th Samuel Johnston took his seat. The articles of confederation, having been agreed to by all the other States, were finally accepted by Maryland on March 1, 1781, and on the day following they were ratified in the Continental Congress by all the delegates from the several states, who then signed them on behalf of their respective states, and the confederation went into effect. For North Carolina they were signed by Burke, Sharpe, and Johnston. Samuel Huntington, of Connecticut, had been the president of the congress under the old system. On July 9th an election for president took place under the new system. Although Samuel Johnston had been but six months a member of the body, such was his recognized capacity, his learning and high patriotism that he was chosen by the Continental Congress its first president under the articles of confederation. Unfortunately, circumstances forbade his accepting the high honor, and on the following morning he declined "for such reasons as the congress regarded satisfactory." The day following Johnston found himself constrained to return to North Carolina. His family had fled from Edenton, and the inhabitants of his immediate section were in such distress that he felt compelled to hasten home and share their fortunes or aid in repairing them.

Journals of
Congress,
VII, 115

CHAPTER XXXVII

NASH'S ADMINISTRATION, 1780-81—*Continued*

The battle of Cowpens.—Cornwallis pursues Morgan.—The death of Davidson.—Invasion of the State.—Greene crosses the Dan.—The endurance of the troops.—Cornwallis at Hillsboro.—On the Cape Fear.—The movements of the armies.—Pyle's massacre.—Greene at Troublesome Creek.—Battle of Guilford Court House.—Cornwallis moves east and Greene pursues.—Cornwallis reaches Wilmington. Greene goes to South Carolina.—Craig occupies Wilmington.—Death of Harnett.—Cornwallis's plans.—Cornwallis marches to Virginia.—The inhabitants distressed.—At Edenton.—The Whigs rally.—Greene in South Carolina.—Death of Major Eaton.—Cartel of exchange agreed on.—Atrocities lead to threats of retaliation.—Gregory defends the Albemarle region.

The battle of Cowpens

Strengthened by the arrival of Leslie's regiments, and pressed for provisions, Cornwallis with the opening of the new year determined on renewing his campaign. Engaging Greene's attention with Leslie's corps, he threw Tarleton on Morgan, while he prepared to advance, hoping to separate the American columns and beat them in detail. On January 17th Tarleton, confident of easy victory, came up with Morgan at the Cowpens, near the North Carolina line, some forty miles west of Charlotte; but after a stubborn contest of fifty minutes his famous corps, that had been regarded as invincible, was broken and dispersed and the larger part of it taken prisoners. In arranging for the battle Morgan established at his front two light parties of militia, one hundred North Carolinians under Major McDowell, of Burke County, and about fifty Georgians under Major Cunningham. To these picked riflemen were given orders to feel the enemy as he approached and to maintain a well-aimed fire, and then, when they fell back, to renew the conflict along with the first line of battle. This main line was composed of about two hundred North Caro-

1781

Lee's
Memoirs,
222-225, 227
et seq.
S. R., XVII,
981, 292



1. BANASTRE TARLETON
3. DANIEL MORGAN

2. HORATIO GATES
4. CHARLES, MARQUIS CORNWALLIS

militia and near a hundred South Carolinians, and was under the command of General Andrew Pickens. Further to the rear, on the crown of an eminence, were posted the three hundred Maryland regulars and two companies of Virginia militia and a company of Georgians, all commanded by Colonel Howard, of Maryland. Washington's cavalry, reinforced by a company of mounted militia, was held in reserve. The field of battle was a sparse, open pine forest, and the bright beams of the rising sun heralded the opening of a glorious day.

Tarleton on reaching the ground impetuously rushed on to strike his prey. On being attacked, the advanced riflemen, after some skirmishing, fell back and joined the main line under Pickens. The enemy, shouting, rushed forward, but were received by a close and heavy volley; their advance was not checked, however, and resorting to the bayonet, they drove Pickens's line from its position. A part of that corps took post on Howard's right, and as Tarleton pushed forward he was received with unshaken firmness. The contest became obstinate, each party, animated by the example of its leader, nobly contending for victory. Outflanked, however, Howard's right began to yield, and the line retiring, Morgan directed it to retreat to the cavalry. There a new position was assumed with promptness. Mistaking this movement for flight, the British rushed on with impetuosity and disorder. As they drew near Howard faced about and poured in a close and murderous volley. Stunned by this unexpected shock, the advance of the enemy recoiled in confusion, and Howard's continentals rushed upon them with the bayonet. The British reserve, having been brought close to the front, shared in the destruction of the American fire, and there was no rallying point offered for the fugitives. At the rear the battle also went well. Two companies of Tarleton's cavalry having made a detour to cut off the Americans, Washington struck them with his dragoons and drove them before him. Thus simultaneously the British infantry and cavalry engaged were routed. Morgan with promptness and resolution urged his victorious troops to renewed efforts, and the pursuit became vigorous and general. Colonel Washington having dashed forward fully

Howard

1781

Wheeler,
Hist. N. C.,
II, 186

thirty yards ahead of his troops, Tarleton, in the rear of his own, attended by two officers, turned and advanced to meet him. Here a personal contest ensued between these two heroes of the battlefield. Both, however, escaped the imminent peril. An anecdote has been preserved that some months later, when Tarleton was at Halifax, he remarked to the wife of Willie Jones that he understood that redoubtable leader, Washington, could not write, whereupon Mrs. Jones replied: "You at least, sir, can bear witness that he can make his mark," referring to a wound Tarleton received on his hand in that encounter. Turning then to Mrs. Ashe, the colonel said that he had never had the pleasure of meeting Washington, and she answered quickly: "Had you looked behind you at Cowpens you would have seen him."

The loss of the Americans was comparatively small, the British, it was supposed, shooting too high—only 11 killed and 61 wounded. The British suffered much more severely: 150 were killed, 200 wounded, and 400 prisoners, chiefly infantry. The artillery, 800 muskets, 2 standards, 35 baggage wagons and 100 dragoon horses, besides the prisoners, fell into Morgan's possession.

A part of Tarleton's horse that had early fled from the field of battle carried information of the disaster to Cornwallis. That general fully realized the reverse following so quickly the destruction of Ferguson's corps. A peer of the British realm, trained from early youth to arms, now in his forty-second year, a man of great ability and self-poise, always accustomed to independent action and relying on his own judgment, he was quick to decide the course to be pursued. He resolved by celerity of movement to regain his prisoners or to cut off Morgan's force before it could be joined by the other part of Greene's army. On being joined by Leslie he moved with despatch toward the fords of the Catawba.

Cornwallis pursues Morgan

Lee's
Memoirs,
233

Immediately after the engagement Morgan had hurried a messenger to Greene with news of his victory, and that general, comprehending the situation, on the 25th directed General Huger to conduct the army to Salisbury, while he

himself with a few dragoons hastened to the scene of active operations.

1791

Morgan, intent on evading pursuit, despatched his prisoners under guard of General Stevens and the militia northward beyond the South Mountains toward Morganton. Reaching the state road, Stevens turned eastward, crossing the Catawba at Island Ford;* and thence the prisoners were conveyed beyond the Dan into Virginia. The general himself with his continentals pursued a lower route, and forded the Catawba at Sherrill's. On the 28th Cornwallis reached the vicinity of Beattie's Ford, ten miles below, and there rested. He now determined to convert his army into light troops by destroying his baggage. He set the example himself by committing to the flames the baggage of headquarters. Everything save a small supply of clothing, hospital stores, salt, ammunition, and conveniences for the sick was destroyed.

S. R., XVII,
97

On the afternoon of the 31st General Greene arrived at Beattie's Ford, where by appointment General Morgan was waiting for him. By Greene's direction, General Davidson, who had collected about five hundred militia, divided his force and stationed some at different fords, of which there were several to be guarded. He himself with about two hundred infantry took post at a horse ford some two miles distant from Cowan's Ford, where a small picket force was stationed.

Graham's
Graham,
286

The death of Davidson

At dawn of February 1st the British army began to cross. The first movement was by way of Cowan's Ford, and the pickets there gave speedy notice by their prompt firing. Davidson hurried to the scene with his infantry, he himself being on horseback. The enemy's vanguard had already reached the eastern bank before his arrival, and there was desultory firing while he was placing his men in position. The British advance now pressed on Davidson's unformed line, and that practised officer ordered his men to withdraw about fifty yards to the cover of some trees, where they could fight to better advantage. Hardly had he given his order

S. R., XVII,
99Graham's
Graham,
293

*In the vicinity of Statesville.

1781

when he fell, pierced by a rifle ball. He was a trained continental officer, courageous, efficient and enterprising, and he was much beloved by the inhabitants of his section and greatly esteemed throughout the State. His death was a great loss to the American cause and was widely lamented, the Continental Congress itself ordering a monument to be erected as a memorial of his distinguished worth.

The invasion of the State

Having effected a crossing, Cornwallis hurried toward Salisbury, hoping to overtake Morgan, who had moved the evening before. While the opposition to his crossing had not delayed him, it had been so strenuous that the next day in general orders he made his warmest acknowledgments to the cool and determined bravery of the advance column in accomplishing it.

Cornwallis's
Order Book
in
Caruthers's
Old North
State, II,
391 *et seq.*

On entering North Carolina his Lordship issued frequent orders forbidding excesses by any of his troops. No negro was to be allowed to have arms. The strictest discipline was to be enforced, and there was to be no wanton destruction of property or any unnecessary exactions from the inhabitants. He came, he said, to establish and maintain the rights of the people as British subjects, and his army should not be disgraced by any outrages. He required the punishment of any soldier or camp follower who should disobey his orders in this respect.

In the meantime Huger had been directed by Greene to move on to Guilford Court House or the fords of the Yadkin and there await further orders. At midnight of the 1st Greene left the Catawba for Salisbury. An anecdote is related in Johnson's "Reminiscences" that on his arrival at the tavern in that hamlet, in reply to inquiries of Dr. Read, the general could not refrain from answering: "Yes, fatigued, hungry, alone and penniless." The benevolent landlady, Mrs. Steele, overheard this remark, and hardly was the general seated at a comfortable breakfast when she presented herself, closed the door, and exhibiting a small bag of specie in each hand, said: "Take these, for you will want them, and I can do without them." Such was the

spirit that had ever animated the patriotic women of Salisbury.

1781

There had been heavy rains on February 1st, and Morgan's continentals passed the Yadkin at Trading Ford, seven miles from Salisbury, just before the stream rose rapidly from the flood.

Some of the militia, being the rear detachment, were overtaken after night at the river bank by General O'Hara, who was in hot pursuit, and a slight skirmish ensued. While the Americans succeeded in escaping, the wagons and baggage of that detachment fell into the hands of the enemy. The river being impassable, Greene, now safe, rested on the eastern bank and then moved toward the upper fords, where he knew Cornwallis must go in order to cross. The British commander, debarred from crossing lower, also turned northward and pursued the road on the western side of the river. Time having been thus afforded for Huger's arrival, Greene marched eastward and reached Guilford Court House on the 7th, where Huger joined him later on that day.

Graham's
Graham,
300

Huger
unites with
Greene

Greene crosses the Dan

The united force of Americans, including five hundred militia, somewhat exceeded twenty-three hundred men, of whom nearly three hundred were excellent cavalry. Cornwallis's army was estimated at twenty-five hundred trained veterans. At a council of war held by Greene it was determined not to give battle, but to cross the Dan and await the arrival of more militia. Colonel Carrington was directed to collect boats for the passage at Irwin's Ferry, some seventy miles distant and well to the eastward; and in order to delay pursuit a light corps of seven hundred men was organized, the command of which was offered to General Morgan. General Morgan had been in retirement from illness when, at the instance of congress, in October he accepted employment at the south, and the exposure to which he had been subjected now resulted in an attack of rheumatism, which incapacitated him for this active duty. He therefore declined the command, and retired to his home in Virginia. Colonel Otho Williams was then selected to

Lee's
Memoirs,
236 *et seq.*

1781

The pursuit

conduct the operations of that corps. He so manoeuvred that the British commander mistook his detachment for Greene's main body, and he delayed the pursuit until Greene on February 13th succeeded in crossing the Dan. More than once was Williams's rear guard, Lee's legion within musket shot of O'Hara's van, and it was with difficulty that the men were restrained from bringing on an engagement; but that was no part of Williams's purpose. Eventually he, too, about three o'clock on the evening of the 13th, reached the vicinity of the ferry, and by sunset his infantry gained the river and were transported. Lee had been left to keep the enemy in check, and about dark he succeeded in withdrawing his cavalry, and between eight and nine o'clock that night his men embarked in the boats making the horses swim the stream. Thus ended this long arduous and eventful retreat. "No operation during the war," says Lee in his "Memoirs," "more attracted the public attention than this did; not only the toils and dangers encountered by a brave general and his brave army interested the sympathy of the nation, but the safety of the South hanging on its issue, excited universal concern." "When we add the comfortless condition of our troops in point of clothing—the shoes generally worn out, the body clothes much tattered, and not more than one blanket for four men—the rigor of the season, the inclemency of the weather, our short stock of ammunition and shorter stock of provisions—the single meal allowed us was always scanty though good in quality and very nutritious, being bacon and corn meal—and contrasted with the comfortable raiment and ample equipment of the enemy, . . . we have abundant cause to honor the soldier whose mental resources smoothed every difficulty and ultimately made good a retreat of two hundred and thirty miles . . . without the loss of either troops or stores. This tribute to General Greene is but the expression of the universal praise which has been bestowed upon that great commander, not only by his countrymen but by the agreeing voices of all men; and yet something, too, is to be said of those suffering patriots who constituted the rank and file of his gallant army. Their endurance, their unflagging zeal, their spirit of self-sacrifice, entitle them to

unstinted praise and the grateful remembrance of posterity.

1781

Writing to Washington immediately on his arrival at Irwin's Ferry, Greene himself said: "The miserable situation of the troops, the want of clothing, has rendered the march the most painful imaginable, many hundreds of the soldiers tracking the ground with their bloody feet. Your feelings for the sufferings of the soldiers, had you been with us, would have been severely tried."

Cornwallis, baffled in his purpose, yet apparently master of the situation, took post at Hillsboro, where he erected the king's standard with great formality, saluting it with twenty-one guns, and Josiah Martin, who had accompanied him, once more essayed to enter upon the administration of his office as royal governor. But neither the commander nor the governor was to receive much comfort.

Cornwallis
at Hillsboro

The British on the Cape Fear

While these matters of moment were passing at the west, the east as well had become greatly disturbed. Although General Leslie had in November been diverted from occupying the lower Cape Fear, that purpose was not abandoned, and contemporaneously with Arnold's invasion of the Chesapeake and Cornwallis's advance, such a movement was undertaken. With a fleet of eighteen sail, carrying four hundred regulars, artillery and dragoons, Major James H. Craig was despatched to occupy Wilmington. His vessels reached the harbor toward the last of January, and on the 28th he approached the town. Taking possession, he at once began to fortify by erecting batteries on the hills to the north and south, and so strengthened himself that he could not be attacked with any hope of success. At that time it was also apprehended that there would be a movement in the interior from Camden, and such stores as the Americans had to the southward were moved across the Cape Fear River. Aroused by the presence of their British friends, the Tories of Bladen and Anson became active, and it required strenuous efforts on the part of the local leaders to suppress them. General Lillington at once called out the militia of that section, but so many of them had been taken

1781
S. R., XV.
423

1781

at Charleston and were on parole, and the country had been so drained of adherents of the Whig cause, that but a small force could be collected. To keep Craig in check, General Caswell was ordered with the New Bern brigade and General Butler with the Hillsboro brigade to the assistance of Lillington. Such was the situation when Cornwallis was pursuing Greene across the western part of the State and invading the western counties.

Movements of the armies

Graham's
Graham,
311

After Davidson's death, although the militia of the western district had no commander, some seven hundred of them, all horsemen, collected in the rear of the British army, and in the absence of a brigadier chose General Andrew Pickens, of South Carolina, as their commander. In the troop was a company under Captain Graham that subsequently became greatly distinguished. They followed the route taken by Cornwallis through Salem and Guilford Court House, and reached Hart's Mills, near Hillsboro, about the time that Cornwallis established himself at that place.

S. R.,
XXII, 123

Graham's
Graham,
317

There, on February 22d, Lee's corps was joined to Pickens's brigade, all under the command of the brigadier-general. Other re-enforcements of North Carolina militia were also expected, and to facilitate their union and re-establish confidence, three days after Cornwallis entered Hillsboro Greene himself crossed the Dan and passed to the west of his adversary. In response to Cornwallis's call, the Tories began to embody, and some two hundred of them were collecting under Dr. Pyle in Chatham and western Orange when Lee and Pickens were advancing into that section. Tarleton, hearing that the Whigs proposed to suppress the Tory rising, moved out to protect Dr. Pyle and his recruits. Ignorant of the movement of the Tories, Lee pursued his way to the southward, and on the 24th, at a point south of the Haw, near the site of the present town of Burlington, accidentally met the Tories in the road, who, expecting Tarleton, and with no information of the presence of any Whig force, arranged themselves along the road to allow their supposed friends to pass. As soon as Lee's dragoons had reached the extremity of the Tory line, the character of the Loyalists being

S. R.,
XXII, 124

Lee's
Memoirs,
253

S. R.,
XXII, 124

Graham's
Graham,
319

discovered, a signal was made for an onslaught, and Pyle's unsuspecting men were quickly despatched. Ninety of them were killed outright and most of the survivors were wounded. Those not thrown to the ground dispersed in every direction, but were not pursued. Lee lost in this slaughter only one horse—not a single man. At the time Tarleton was hardly a mile distant, but he was not advised of the encounter or of the presence of a Whig force until some fugitives brought him information.

1781

February

Massacre of
Pyle's
Tories

Greene established himself between Troublesome Creek and Reedy Fork, in the vicinity of Guilford Court House, having his light corps interposed between his main army and Cornwallis. His report of men fit for duty on the 17th indicated a thousand continentals, less than two hundred cavalry and a hundred mounted infantry—an effective force of some fourteen hundred men; but he was expecting a regiment of regulars from Virginia that had been hurried forward and several thousand militia to join him. General Butler's brigade, that had been despatched to the assistance of Lillington was ordered to return to the west, and the Halifax brigade was collecting for the march. General Allen Jones, having to return, invited Sumner to take command, but General Eaton claimed the right and refused to relinquish it. Colonels William Campbell and Preston, of Virginia, were also hurrying to Greene's camp, as well as smaller detachments under Majors Winston and Armstrong. General Stevens, too, who had conveyed the prisoners taken at Compens to a place of security, was now returning with his brigade of Virginia militia. To prevent the junction of these re-enforcements and to strike Greene before he was further strengthened, on February 26th Cornwallis himself marched to the westward, establishing his headquarters at Hawkins's, to the west of Alamance Creek. Doubtless he also hoped for accessions from the Tories. One band of Loyalists from Deep River, consisting of about a hundred, approached his camp on a night march. But Graham's company had been so bold and daring, even in the vicinity of the British headquarters, that a troop of Tarleton's dragoons, discovering the approach of an unknown body of men at night, thought them Graham's troop, and fell

Greene at
Trouble-
some CreekS. R., XV,
427Re-enforce-
mentsLee's
Memoirs,
269Graham's
Graham,
339

1781

S. R., XVII,
1011Graham's
Memoirs,
329Lee's
Memoirs,
205

on them and hacked up about thirty of the Loyalists before the mistake became known. As Pyle's Tories had suffered by mistaking Lee for Tarleton, so this party from Deep River suffered at Tarleton's hands by being mistaken for Graham's company. These mishaps tended to dissipate the zeal of the Tories, so that but few united with the British army. Indeed, Cornwallis was so disappointed at the lukewarmness of the Regulators, from whom he had expected much aid, that he wrote to Clinton: "I could not get one hundred men in all the Regulators' country to stay with us even as militia."

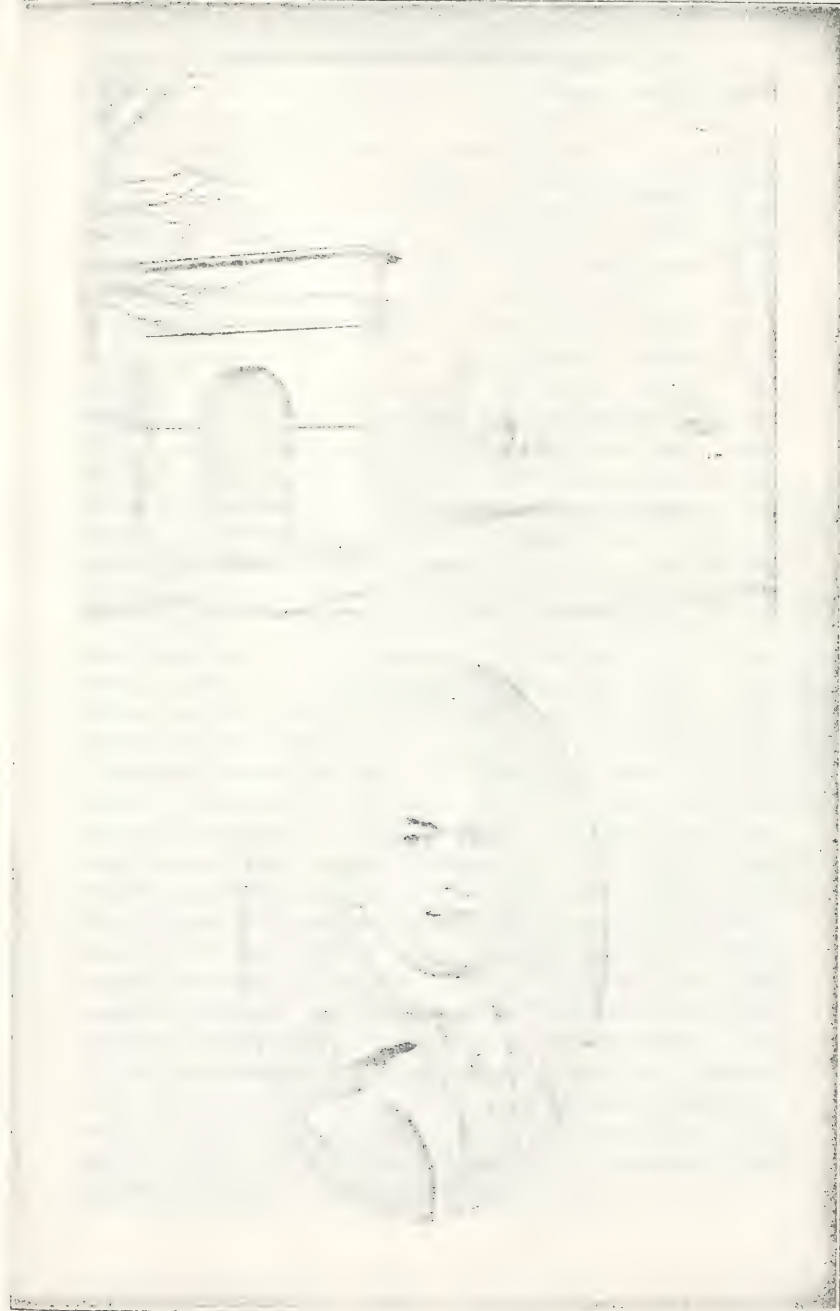
To avoid a battle until ready, Greene directed the several detachments of his army to be constantly in motion, changing their location every night, so that Cornwallis would not know where to strike. During the period of manœuvring there were several affairs between the cavalry and Tarleton's legion: one at Clapp's Mill on March 2d, followed by several minor collisions the next day; and at Whitsell's Mill on March 6th there was a hotly contested battle. In these encounters Pickens's brigade, embracing Graham's troopers, participated with much credit.

But the time of that brigade expired on the 3d, and after remaining a few days longer, the men were dismissed and returned to their homes.

Battle of Guilford Court House

Lee's
Memoirs,
272

Finally, about March 7th, the British commander moved farther west, near the Quaker settlement at New Garden; and four days later Greene, having been joined by sufficient reinforcements, prepared to give him battle. Several important highways met at Guilford Court House, and on the 14th Greene took post on the New Garden, or Salisbury, road leading to the west from that hamlet. He had carefully selected his ground; indeed, it is thought that on his hasty march some weeks before he had chosen that battlefield. For his first line he placed on the right of that road Eaton's militia, and on the left Butler's, both being protected by a rail fence that skirted an open field which lay in their front. On either flank there were stationed some three hundred regulars to give stability to the militia. In the rear of this



1. GUILFORD COURT HOUSE BATTLEFIELD TO-DAY
2. NATHANAEL GREENE

line there was a woodland, in which three hundred yards distant he posted the Virginia militia under Lawson and Stevens; while the continentals were reserved for his main line some five hundred yards still farther to the rear.

The British moved with precision, being well-trained veterans. Cornwallis's own regiment was renowned and had fought many battles. The Welsh Fusiliers, distinguished by having the Prince of Wales nominally for its colonel, was commanded by Colonel Webster, one of the most accomplished officers in the army. The Seventy-first Scotch Highlanders, known in the annals as the Black Watch, had a record of great glory; and the Queen's Guards, commanded by Colonel Stuart, was a famous corps. The field pieces, as usual, began the engagement. As the British regulars advanced with fixed bayonets, they gained the open field and approached within forty yards before perceiving the North Carolina militia behind the fence. For a moment the two lines stood in silence, then Webster, as gallant in action as wise in counsel, ordered a charge, and his troops rushed forward, receiving a hot fire from the American line. Dreadful was the havoc on both sides at this initial point of the conflict. The fire on the right was deadly, some of the Americans fighting like heroes. The militia, however, speedily broke before the British bayonets, Eaton first, then Butler's, and retreating, passed through the Virginians posted in their rear, throwing them into confusion. Lawson's Virginians likewise gave way, but Stevens's brigade made a firm stand. Eventually they, too, were pressed back on the continentals. Here the Second Maryland Battalion, a new organization, never before under fire, followed the example of the militia; but the First Maryland, after a well-directed volley, charged with the bayonet, routed the enemy and pursued them. Bloody and fierce now was the battle, the continentals and Washington's cavalry fighting with courage and resolution seldom surpassed. The British loss bears witness to the valor of their foe. Greene's army had, however, been severed into detached fragments, and he feared to risk a prolongation of the contest. The enemy rallying and threatening his rear, he prudently and skilfully withdrew his forces from the field.

1781
March 15th

Lee's
Memoirs,
277, 280

Lamb's
Hist. Am.
Rev., 361

Schenck's
North
Carolina,
1780-81, 345

McRae's
Iredell, I,
493

S. R., XVII,
1003

1781

A similarity is to be observed on the American side between the arrangement of the troops in this and in the battle of Cowpens, and also in the course of events during the progress of the battles up to the breaking of the Second Maryland Continentals. But on the British side there was much difference. At Cowpens the action of Tarleton's corps was not comparable to the steady conduct of the regulars in this great battle, comprising some of the most famous organizations in the history of the British army. Apparently they might have been destroyed, but could not have been driven from the field.

Great slaughter

The American loss was 14 officers and 312 of the continental troops killed, wounded and missing. Many of the militia were missing, although no prisoners were taken. Of the militia, 4 captains and 17 privates were reported killed, a dozen officers and 60 privates wounded, as was also Brigadier-General Stevens. The slaughter of the British was much greater. The official report states their loss at 532, of whom 93 were left dead on the battlefield. Colonel Stuart and Lieutenant O'Hara, brother to the general, and many other officers, were killed outright; but few escaped without wounds. Many, among them Colonel Webster, died of their wounds. Seldom has an army suffered so severely. At the outset there was terrible slaughter, the Highlanders being piled upon each other. In the progress of the battle Cornwallis himself was unhorsed, his guards lay weltering in their blood, the gallant Webster on the ground, O'Hara disabled by his wounds, Tarleton with a rifle ball through his hand, Howard borne off the field, and Stuart still in death. The rank and file suffered alike. But the culmination of the carnage was in the final encounters of that fateful day. It was the immolation of an army of veterans intent on victory. The battle being joined, Cornwallis resolved on destruction rather than defeat; and while he gained the victory, he lost his army.

Lee's
Memoirs,
284The terrible
night

The night succeeding this day of blood was dark and cold, much rain falling. The dead lay unburied, the wounded unsheltered, and the groans of the dying and the shrieks of the living cast a deeper shade over the gloom of nature. Fatigued as the British troops were, without discrimination

they took the best care of the fallen soldiers the situation admitted; but without tents and the houses being few, many of both armies were exposed to the deluge of rain, and it was said that not less than fifty died during the night. The next morning was spent in burying the dead and in providing comfort for the wounded, Cornwallis paying equal attention to friends and foes. He was a man of generous and lofty spirit, and rancor was foreign to his nature. In Parliament he had been a friend of America and had opposed the measures of the ministry. Now he treated the fallen without discrimination. The dead being buried, he returned to New Garden, leaving some seventy of his wounded, incapable of being moved, to the humanity of General Greene. There on the 18th he issued a proclamation calling on the Loyalists to return actively to their duties and contribute to the restoration of government.*

1777
S. R., XVIII,
1007

On the 18th he began to move eastward by easy marches, having care for the comfort of his wounded, and being obliged to subsist on the country. Greene at once notified Colonel Lee: "I mean to fight the enemy again, and wish you to have your legion and riflemen ready for action on the shortest notice." But it was not until the 20th that he could move, for ammunition had to be supplied, cartridges made and provisions collected. In the meantime Lee's legion and Campbell's riflemen pressed the rear of the British commander, who dared not hazard another encounter.

Greene
pursues
Cornwallis

Willie Jones, who after the battle was appointed lieutenant-colonel of Read's militia regiment, while on the pursuit wrote: "We expect to come up with them in a day or two and to take a part, if not the whole British army." The men were now in fine spirits, and were so resolute that had Greene overtaken Cornwallis the British army would doubtless have been destroyed and Ramsey's Mills would have been an historic spot.

McRee's
Ireleill, I,
499

On the night of the 22d the British army lay at Dixon's Mills, on Cane Creek, in Chatham County. From there it

*Cornwallis wrote to Clinton: "Many of the inhabitants rode into camp, shook me by the hand, said they were glad to see us, and to hear that we had beat Greene, and then rode home again."

S. R., XVII
1061

1781

London,
Revo. Hist.
Chatham
County

Lee's
Memoirs,
290

marched to Pittsboro, and thence to Ramsey's Mills.* Here Cornwallis found it necessary to build a bridge and to collect supplies to carry him across the barrens to Campbellton. So quick had been his pursuers on the track that while he was yet at Ramsey's Greene reached Rigsden's Ford, on Deep River, twelve miles above, but hesitated to cross, uncertain of Cornwallis's intentions. The bridge completed, the British commander, finding himself in peril, decamped with such speed that he left some of his dead unburied, and was unable to burn the bridge behind him. The next day, the 28th, Greene's main force arrived; but it was considered impossible to subsist his army in the wake of Cornwallis's, and the pursuit was reluctantly discontinued.

S. R., XVII,

1011

1781

At Cross Creek Cornwallis suffered another disappointment in finding that his Loyalist friends were yet passive and had not brought in supplies for his army. He remained there several days, and then departed for Wilmington, where he arrived on April 7th. On the way it became his painful duty to bury the remains of the lamented Colonel Webster, who, borne on a litter between two horses, was found dead near Elizabethtown. The interment was on the plantation of Colonel Waddell.

Greene goes
south

Greene rested his army for a week, dismissed nearly all of his militia, and just as Cornwallis was entering Wilmington set out to recover South Carolina. At his camp on Deep River he left General Butler, who remained for some weeks on duty at that post. But notwithstanding Greene's departure from North Carolina, there was no relaxation in efforts to strengthen his army. The council ordered that those of Butler's and Eaton's brigades who had abandoned their posts at the battle of Guilford Court House should be drafted into the continentals for twelve months; and four days after Greene marched Butler sent forward two hundred and forty of these twelve months' continentals, and on the same day Major Pinketham Eaton received in Chatham a hundred and seventy of Eaton's brigade and conducted them to the south. This corps, reduced somewhat by desertions, under Major Eaton, later performed excellent service, especially at Augusta.

McRee's
Ireleil, I,
497

S. R., XV,
434, 440, 443

*Now Lockville.

1781

Arriving in South Carolina, Greene, divining the probable movement of Cornwallis, directed Sumner that if the British general should come south to the relief of Rawdon he should hurry with every available man to his assistance; but if Cornwallis marched to Virginia, then Sumner with his continental drafts should go to the aid of Baron Steuben. Greene, as commander of the department, had direction of operations in Virginia as well as in the Carolinas, and he ordered Steuben to be very cautious and conservative and not to hazard a battle unless under very favorable circumstances.

Craig at Wilmington

The approach of the British fleet bearing Major Craig's detachment caused the greatest consternation among the Whigs of Wilmington, and many families hastened to leave the town, seeking safety with friends in the country, while others thought it more prudent to trust to the humanity of the British officers. At that time Brunswick, which contained about sixty houses, was entirely deserted, and Wilmington, where there were about two hundred houses, contained but a thousand inhabitants. At the first information of peril Bloodworth, the receiver of the tax in kind, stored his commodities on a vessel, which he hurried up the North-east Branch of the Cape Fear; but Craig made pursuit, overtook and burned the vessel some twenty miles from the town. Of the inhabitants a considerable proportion were disaffected, and soon a petition was circulated for all to sign, praying to be received as British subjects, and those who declined this abasement fell under the ban of displeasure.

Hardly had Craig settled himself on shore before squads of troopers were scouring the country to arrest those who were particularly obnoxious to the British, and the leading patriots fled for safety. Harnett had withdrawn to Onslow County. He had a considerable quantity of public funds in his care, and he hastened to place it in safe hands, and then proceeded to Colonel Spicer's. There he was seized with a fit of his malady, the gout, and became unable to travel farther. His place of refuge was betrayed by some Loyalist, and he speedily was captured and, notwithstanding

S. R., XXI,
694S. R.,
XXII, 543Death of
HarnettBib. Hist.
of N. C., II,
162

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his illness, was conveyed with indignity to the British quarters. He suffered much ill-treatment, which his enfeebled frame could not endure, and a few weeks later died, about April 30, 1781. Thus passed away "the Pride of the Cape Fear," who from the beginning had been the ardent advocate of his country's freedom.

Lillington at
Heron
Bridge

Similar efforts were made to capture every Whig of consequence, and many were taken by the Tories and British dragoons. But the patriot leaders, while beset by difficulties, were not dismayed. General Lillington, having embodied his militia, took post at Heron Bridge, ten miles up the Northeast River, where he was joined by Kenan with the Duplin militia and Moore with a detachment from Brunswick and some companies from Onslow; while Colonel Brown sought to hold in check the Tories of Bladen. The brigades of Caswell and Butler were at first ordered to his aid, but Cornwallis's operations at the west required that all the militia possible should be withdrawn to reinforce General Greene, and for a time Lillington was left to his own resources.

Dickson's
Letters, 3

S. R., XXI,
829

About the end of February Craig advanced to dislodge him, making a night attack. Lillington's advanced guard was surprised and dispersed, and a smart skirmish occurred at the bridge, the British using their artillery on the Whig entrenchments on the farther side of the river. The militia, however, maintained their position, and at the end of two days Craig retired to Wilmington. He had occupied the McKenzie place, known as Mount Blake, and when he withdrew a party of the Whigs crossed the river and burned that residence. Lillington continued quietly in his camp, with headquarters at the Mulberry plantation, near by, keeping watch and ward. For a time Craig busied himself in constructing fortifications around Wilmington; but numerous were the forays of the British troopers, and often murderous in their execution. Tradition still survives of the massacre at the "eight-mile house," where butchery as a pastime added to the horrors of warfare. Some of the Whigs, too, displayed boldness and enterprise. Bloodworth had kept the ferry from Point Peter across the mouth of the Northeast River in the outskirts of Wilmington, and was familiar with

McRee's
Iredell, I,
534

Bloodworth

that locality. Taking post within a large hollow tree on the Point he fired day after day, across the river, at the troopers as they brought their horses to water, several victims falling at the unerring hand of their unseen and mysterious foe. Finally a party being sent to dislodge him, Bloodworth successfully escaped.*

Cornwallis's plans

When the wounded of Cornwallis's army reached Wilmington the church building there was converted into a hospital, and later it is said was used by Craig's cavalry.

Although Cornwallis had succeeded in avoiding a second battle with Greene, he now found himself in a fearful dilemma. The generalissimo at the south could not remain inactive. He must move either in one direction or the other. Conflicting indeed must have been his emotions when reflecting on his painful situation. He found himself under the necessity of abandoning Lord Rawdon to his fate, and almost in despair he resolved to seek his own safety in Virginia. "By a direct move toward Camden," he wrote, "I cannot get time enough to relieve Lord Rawdon; and should he have fallen [back] my army would be exposed to the utmost danger." He dwelt on the exhausted state of the country, the numerous militia, the almost universal spirit of revolt and the strength of Greene's army, whose continentals alone were as numerous as his own force. Still he hoped to draw Greene back from the game of war in South Carolina by threatening the interior of North Carolina. He resolved to march by Duplin Court House, pointing toward Hillsboro, expecting that this might lead to Greene's return; and yet with his depleted ranks he feared to meet Greene again in battle. Ultimately he had in view to form a junction with General Phillips. But he realized that the attempt would be exceedingly hazardous and might prove wholly impracticable, and he warned that commander not to take any steps "that might expose your army to the danger of being ruined."

On April 23d he wrote to Clinton: "Neither my cavalry

*According to the tradition as the author heard it in 1847. Bloodworth, a gunsmith, used a long conical ball for his rifle on that occasion. The mine ball came into note some years later.

1781

S. R., XVII,
1818, 1, 17The effects
of Guilford
Court
HouseS. R., XVII,
1921Cornwallis
marches to
Virginia

or infantry are in readiness to move: the former are in want of everything, the latter of every necessary but shoes; . . . I must, however, begin my march to-morrow. . . . My present undertaking sits heavy on my mind: I have experienced the distresses and dangers of marching some hundreds of miles in a country chiefly hostile, without one active or useful friend, without intelligence and without communication with any part of the country. The situation in which I leave South Carolina adds much to my anxiety, yet I am under the necessity of adopting this hazardous enterprise hastily and with the appearance of precipitation, as I find there is no prospect of speedy reinforcement from Europe and that the return of General Greene to North Carolina . . . would put a junction with General Phillips out of my power." To Phillips he said: "My situation here is very distressing. Greene took advantage of my being obliged to come to this place, and has marched to South Carolina."

Indeed, Cornwallis's discomfiture at Guilford Court House altered the situation so greatly that Clinton wrote to Phillips that, it has considerably changed the complexion of our affairs to the southward, and all operations to the northward must probably give place to those in favor of his Lordship, which at present appear to require our more immediate attention." Phillips had with him in Virginia thirty-five hundred men, and Clinton embarked seventeen hundred more to strengthen that corps for the benefit of Cornwallis.

After a fortnight's rest at Wilmington, the remnants of his shattered regiments again fell into ranks and began their march to the northward. Gloomy indeed must the outlook have been to the commander-in-chief of the British armies at the south when, baffled, disappointed, defeated, and distressed, in the closing days of April he bade farewell to Major Craig and Josiah Martin, the whilom governor of North Carolina, and with a heavy heart once more essayed the chances of doubtful war.

His progress was unopposed. When information of this movement was despatched to Governor Nash at New Bern he directed Lillington to fall back to Kinston, where Major-General Caswell, the commander-in-chief, had his headquarters, and the governor sent Baron Glaubeck to the front

to watch the enemy. He ordered the militia of Halifax and of the neighboring counties to assemble at Tarboro, and he himself hastened to that point.

1-31
N. C. Uni.
Mag., IV,
63 (1855)

On reaching Kinston, presumably under the orders of Major-General Caswell, Lillington disbanded his militia, except one company retained to guard the artillery and stores, and the men returned to their respective homes to protect their families from marauders.

The inhabitants distressed

The march of the British column was slow and deliberate. The Whigs, unable to resist, scurried into the swamps or fled to a distance. The disaffected rose in numbers and gave every manifestation of loyalty. They now wreaked vengeance on their neighbors for all they had suffered since the beginning of the Revolution. The track of the army was a scene of desolation, and the Whig settlements were scourged as by the plagues of Pharaoh.

In Duplin the whole country was struck with terror, almost every man leaving his habitation and his family to the mercy of the merciless enemy. Horses, cattle and every kind of stock were driven off from every plantation, corn and forage taken, houses plundered, chests and trunks broken, and the clothing of women and children, as well as that of the men, was carried away. These outrages were committed for the most part by the camp followers, who, under the protection of the army, plundered the distressed inhabitants. There were also many women who followed the army in the character of wives of the officers and soldiers, a certain number of women being allowed for each company. These were generally mounted on fine horses and were dressed in the best clothes that could be taken from the inhabitants as the army marched through the country.

Dickson's
Letters, 15

On May 6th Cornwallis reached Peacock's Bridge, on the Cotechney, and there was the first clash of arms. Colonel Gorham with four hundred militia made a stand at the bridge, but Tarleton by a bold dash drove him off, and there was no further opposition. All the stores and the men drafted for the continentals and the militia were moved to the westward, and Governor Nash and General Sumner, in

S. R., XV,
456

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Warren, listened for news of the British progress. Glau-
beck, trained from early youth a soldier, was seeking to
procure arms for the men assigned to his command, and in
the absence of swords, improvised weapons made of hickory
clubs. With these he hung on the outskirts of the British
lines and kept in check the barbarous camp followers. In
Nash a squad of Tories, who had risen on their neighbors,
were roughly handled and hotly pursued.

S. R., XV,
46t

"Not a man of any rank or distinction, or scarcely any
man of property," wrote Colonel Seawell, "has lain in his
house since the British passed through Nash County. We
are distressed with all the rogues and vagabonds that Corn-
wallis can raise to pest us with. . . . A certain Robert Beard
with fifteen others on Friday last seized the person of John
Ferrell, Isham Alford and Robert Melton, together with
seven horses and I think three guns, . . . and carried them
all off. Our men after collecting, pursued them; but night
coming on, and drawing near the enemy's lines, they re-
turned without any luck."

On May 10th Cornwallis entered Halifax, and after a
short rest marched on to Petersburg, where he arrived on the
20th, finding to his sorrow that a week earlier General Phil-
lips had died from disease. His departure, however, was
not followed by a calm. From Heron's Bridge to Halifax
the Tories had their day of rejoicing, and the Whigs fled
to hiding places, their farms ravaged and the sanctity of
their homes often violated. For days and weeks the Tory
bands held high carnival, and no Whig dared sleep in his
house for fear of capture. Many were seized and carried
to Wilmington, where some were thrown into irons and sub-
jected to cruel indignities.

McRee's
Irredell, I,
514

Terrible were the reports that were spread of the horrible
misdeeds of the soldiers and camp followers. Plantations
were despoiled, women outraged, even members of some of
the best-known families of the State. The most painful
apprehensions were excited because of their shameful con-
duct. The culmination of these outrages occurred in the
vicinity of Halifax, where, says Stedman, "some enormi-
ties were committed that were a disgrace to the name of

man"; and Tarleton states that there "a sergeant and a dragoon were executed" for their crimes against society.

Lee's
Memoirs,
413

At Edenton

The Albemarle region was swept over by a storm of fears. The near approach of the British from the Chesapeake, the passage through neighboring counties of Cornwallis, rumors that a body of two thousand negroes had been sent to forage and collect supplies for the British army, the invasion of the sound by boats belonging to privateersmen too strong to be resisted, caused widespread alarm, and the inhabitants of Edenton dispersed. Edenton itself was raided, vessels taken, some burned and others carried off. But quickly the people recovered their resolution, and parties were formed to rid the sound of the raiders. The enemy was driven out, one of the British galleys taken and some of the vessels recaptured. "The inhabitants in general and the sailors turned out unanimously. I never saw, nor could even hope to see," wrote Charles Johnson in the midst of that turmoil and confusion, "so much public spirit, personal courage and intrepid resolution. I am convinced that was the measure adopted of fitting out one or two armed vessels we might laugh at all attempts of the enemy's plundering banditti."

M. Neel's
Island, I,
507-514

McRae's
Island, I,
515

The Whigs rally

In other sections also the same spirit was displayed, and the Whigs rallied and beat down the Tories and re-established the authority of the State.

James Armstrong, writing from Martinboro at the end of May, said: "We have been alarmed for ten days past by the Tories embodying about us, but they seem to drop off. Thirty horse from this county and a few from Craven . . . went up to Edgecombe, took Benjamin Vichous, one of their ringleaders, and twenty-one head of cattle, which they had collected for the British army; since, they wrote to me for peace, and was granted it provided they gave up their arms."

S. R., XV,
427

In Duplin, wrote Mr. Dickson, "the Tories rose and took several of our leading men and carried them to Wilmington. There were numbers of our good citizens, thus betrayed.

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May

who perished on board prison ships. This so alarmed the inhabitants that none of us dared to sleep in our houses for fear of being surprised. Matters being thus in confusion, there was no subordination among men, but all the proprietors raised and commanded their own little parties and defended themselves as they could. At length, however, Colonel Kenan embodied some four hundred of the militia, and quiet was restored." Many inhabitants because of these disturbances removed their families to the west, and even to Virginia, abandoning their plantations entirely. In New Hanover it was still worse. That county was measurably depopulated and a scene of universal desolation. It was at this time that General Ashe was wounded and captured and imprisoned at Wilmington, where he contracted the small-pox. This plague generally accompanied the British camp and became a fearful scourge. When convalescent, broken in health, Ashe was paroled in October only to die a few days later at Colonel Sampson's in Duplin County. The first to take up arms in North Carolina, he passed away ignorant of Cornwallis's surrender, and without a view of the promised land of independence.

Death of
Ashe

Greene in South Carolina

After breaking camp on Deep River, Greene hurried across the barrens and soon reached the bountiful region of the Peedee. He lost no time in striking his blows. On April 20th he approached Camden, taking post at Hobkirk's Hill, where on the morning of the 25th Lord Rawdon attacked him, both suffering severely. The loss of each was somewhat more than two hundred and fifty, about one-fourth of their respective commands. In this battle, except those attached to Colonel Washington's cavalry, there were only about two hundred and fifty North Carolinians, being a militia battalion commanded by Colonel James Read; and these, having been placed in the reserve, although they gallantly and bravely marched forward to relieve the retreating continentals, were not in the thickest of the engagement. Their conduct, however, won them encomiums.

Lee's
Memoirs,
337

Hobkirk's
Hill

On May 10th, by Greene's strategy, Rawdon was compelled to abandon Camden, so that only Ninety-six and

Augusta were retained as British posts in the interior. Quickly Greene determined to drive the enemy entirely from the country and to hedge them in at Charleston. With this view, he detached Colonel Lee's and Major Eaton's continentals, who had just joined him, to attack Augusta, then held by Colonel Browne and Colonel Grierson, in whose honor one of the forts was named. Fort Grierson was the one first attacked. In the assault the American loss was trivial, a few wounded and fewer killed. But unhappily among the latter was Major Eaton, who had endeared himself to both officers and soldiers, and who fell gallantly at the head of his battalion in the moment of victory.* The siege of Augusta was then continued until June 5th, when Colonel Browne capitulated. During its continuance the North Carolina continentals behaved with the utmost gallantry. Greene's prisoners now numbered eight hundred, and he sent them to Salisbury, guarded by a detachment under the command of Major Armstrong and other continental officers.

Augusta
taken

Lee's
Memoirs,
357

Death of
Eaton

In May Greene had himself undertaken the siege of Ninety-six, a strong fort admirably defended. Lord Rawdon, having received considerable re-enforcements at Charleston, now pressed forward to relieve that garrison, and on the near approach of this superior force Greene resolved if possible to carry the fort by assault.

Ninety-six
besieged

On June 18th he led his army to the attack. A desperate conflict ensued, but without avail, and the next morning Greene withdrew beyond the Saluda, proposing if pressed to seek safety in North Carolina. Rawdon, however, determined to abandon Ninety-six and retire to Charleston, and Greene returned, taking post on the high hills of the Santee awaiting re-enforcements from North Carolina, for North Carolina was now his only dependence.

June 18

Cartel of exchange agreed on

On the Peedee on May 3, 1781, Colonel Carrington, on the part of General Greene, and Captain Cornwallis, on the

*Major Eaton commanded the new continentals, composed largely of men from Butler's and Eaton's brigades who had behaved badly at Guilford Court House.

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part of the Earl, had a meeting and agreed on an exchange of all prisoners. Pursuant to their action, the commissaries of prisoners at once gave notice that all militia taken on either side were absolutely exchanged, and were liberated from their paroles. This set free such of the North Carolina militia as had been captured at Charleston, at Camden and elsewhere, and tended somewhat to strengthen the militia force of the State. The continentals, officers and men, had to suffer longer delay, but it was agreed that the delivery would begin toward the end of June, and these prisoners were to be conveyed to the James River and then be at liberty to return to military service.

Painful indeed had been the period of their captivity and distressing the mortality among the men, which perhaps was quite equal to that horrid record of the hulks off Long Island, which shocked humanity. Many of the exchanged officers late in the summer were able to take their places in the continental battalions and served with Greene until the end of the war.

Atrocities lead to threats of retaliation

The excesses and atrocities of the Tories were intolerable, and the animosity which was felt against them assumed the character of ferocity. Many of them, when taken, were summarily executed as murderers and robbers. "I heard," wrote Mrs. Blair toward the end of May, "that some of the people about New Bern who had intended joining Lord Cornwallis had been taken and nine executed. The man who brought the account said he saw one of them hanged. Captain Pasteur, one of the party who made the capture, while riding with a prisoner behind him, was fired at in passing through a swamp and so badly wounded that he survived but three days." On June 20th Major Craig addressed Governor Nash on "the inhuman treatment" of the king's friends, the deliberate and wanton murders committed on them, which called for vengeance. "Had I listened only to the first emotions excited by the account of Mr. Caswell's conduct in murdering five men at Kinston, . . . Mr. Samuel Ashe and his comrades, who were put in irons for the purpose, would have become the immediate victims to his unwarrant-

McRee's
Iredell, I,
517

S. R.,
XXII, 1024

able cruelty." Major Craig threatened that if the acts he described were continued he would give the people who had taken arms in the king's favor ample revenge, and "I shall not hesitate to deliver over to them those prisoners who from character or situation are most likely to gratify them in those sentiments." This communication was received by Governor Burke, who had just been elected successor to Governor Nash. It appears that Major Ashe, his younger brother and others taken by scouting bands of Tories, had been thrown into irons, confined on shipboard and threatened to be delivered up to the Tories for their vengeance. Burke answered with resolution: "Should you . . . continue your treatment of those citizens or listen to any emotions which may dictate any measure against them on the ground of retaliation, . . . I shall find myself under the unhappy necessity of taking similar measures against British prisoners, though all such measures are utterly repugnant to my disposition." "There are at present," he added, "some prisoners in my power."

June

S. R.,
XXII, 1023

Burke's threatened retaliation resulted in checking Craig in his measures of revenge. Many of these prisoners, not taken on the field of battle, were, however, conveyed to Charleston and paroled to James Island, where were congregated a large number of Tory refugees, men driven from their homes, animated by a relentless hostility toward the Whigs, some of desperate and despicable characters, who were a menace to the lives of these unfortunate captives.

But Craig, foiled in his purpose as to Major Ashe, conceived the design of wreaking vengeance on the person of Burke himself should the occasion arise. He devised the capture of the governor, and planned to hold him for purposes of retaliation in case any of his Tory lieutenants should fall into the hands of the Whigs and be severely dealt with.

Gregory defends the Albemarle region

While attention was centred on the larger movements at the south and west, the Albemarle region was constantly threatened.

In the fall of 1780 there was sharp skirmishing, with some

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Biog. Hist.
N. C., IV,
144

loss of life, between Leslie's foraging parties and the militia under General Gregory, who had taken post near the Great Bridge. And early in 1781, when Arnold's corps arrived, Gregory again was quickly in service. It was about the end of February that a circumstance occurred from which it appeared that a British officer sought to place the American general in the light of a traitor, but the affair afterward was shown to be a joke and without foundation. Still, to have been suspected of being a traitor grated terribly on the feelings of that sterling patriot. Despite his mortification, he continued to hold his camp at the Northwest Landing, and although once compelled to withdraw, he soon occupied it again. One of the few who won honor at Camden, his good fame was never tarnished by an unworthy action.

S. R., XV,
507, 538, 618

"During the winter and spring," wrote Dr. Hugh Williamson, "I had not so much as an assistant . . . in General Gregory's camp." "Nothing but frenzy could have tempted the general to . . . remain a minute in his camp, after the enemy had arrived at McPherson's"; but he added: "General Gregory has again taken possession of his camp with all his cannon and stores." All the spring and summer the general remained on guard, but toward the end of August, the British having abandoned Portsmouth and proceeded to Yorktown, General Gregory deemed it unnecessary for the militia to continue in service longer than to reduce some of the disaffected to terms, and then he dismissed his men, who had so effectively protected the Albemarle region.

CHAPTER XXXVIII

BURKE'S ADMINISTRATION, 1781-82

Conditions in North Carolina.—Major Craig at Wilmington.—The Assembly meets.—Burke governor.—Action of Assembly.—Governor Burke's zeal.—Fanning embodies the Tories.—Pittsboro taken.—Conditions in Bladen.—Wade's victory.—Cornwallis's plans.—South Quay captured.—New continental battalions.—Craig invades the eastern counties.—Lillington forbidden to fight.—New Bern taken.—Tory atrocities.—Battle of Elizabethtown.—Governor Burke's plans.—Fanning defeats Wade.—The governor captured.—The battle of Cane Creek.—Butler surprised at Brown Marsh.—The battle of Eutaw Springs.—The gallantry of the North Carolinians.

Conditions in North Carolina

General Sumner had been directed by General Greene to remain in North Carolina and organize the men drafted into the continental service, and he was during the spring active in the performance of this duty. Every thirtieth man had been called out for this service, but they were to be selected in their respective neighborhoods and clothing provided for them, and progress was slow. In April these drafts were assembled at Harrisburg,* doubtless with the view of co-operating with Steuben in Virginia; but later General Greene ordered such as were then ready to join him in South Carolina, and May 26th Major Armstrong sent forward one hundred and eighty from Salisbury. There was much delay incident to the fearful times. About the middle of June Captain Doherty, writing from Duplin Court House, said that the "tumults in this part of the country have been the cause of the delay in collecting the men, but at present some little respite from the cursed Tories, but cannot say they are entirely subdued. More than half the draft made in Duplin have been among the Tories, or of men so disaffected that they will not appear. The men have been so harassed by

1781

April,

S. R., XV,
465

*Near Oxford.

1781

being kept in arms that hitherto they could not attend to providing the clothing, and without clothing they cannot march."

S. R., XV,
487

Colonel Joseph Hawkins, a zealous officer, with his regiment of light horse was at the same time on the head of Black River among the Tories; the people there, except one family, he reported "as being all disaffected." "The Tories," he said, "continued to carry great quantities of beef from that part to the enemy at Wilmington." He himself sent a detachment in and brought off fifty-two beeves and six prisoners.

Major Craig at Wilmington

S. R., XV,
511

Major Craig was a very efficient officer. He sought by strenuous endeavors to restore royal authority. Proclaiming that the inhabitants, being British subjects, were Loyalist militiamen, early in July he directed that they should be enrolled as such, and he issued commissions to zealous Tories as officers of their counties. He fixed August 1st as the last day of grace for those who would not obey, and all not then returning to their allegiance were to be harried as rebels. While the Whigs had measurably neither arms nor ammunition, he bountifully supplied the Tory bands with both, and inspired them to zealous activity by giving them special marks of favor.

Ruther-
ford's Mills

The Scotch especially responded to his calls and up the Northwest strong detachments of Loyalists held the country. To the northward he threw out the British dragoons, and he established a post at Rutherford's Mills, some seven miles east of Burgaw, and there he constructed a bastion fort, whose outline still remains in perfect preservation, a memorial of those historic times. Lillington, who had after the passage of Cornwallis returned to the vicinity of Heron Bridge, now stationed himself at Richlands, in Onslow County; and on June 28th, when a British column advanced in that direction, called on the Duplin horse and foot to assemble at the rendezvous with despatch. However, before opposition could be made, Craig's troopers penetrated into Onslow, and secured in that fertile section needed supplies; but when the people collected, finding that warm work

S. R., XV,
496Craig in
Onslow

was to be expected, they hastily returned to their strong-hold.

The movements of Cornwallis, the perils threatened by Craig, the defection of the Loyalists, and the drafting of men in every part of the State caused a deep gloom to enshroud the people, and public affairs were thrown into great confusion.

In the midst of all this turmoil and distress the General Assembly met on June 23d at Wake Court House. The session was held in the old Lane residence, still standing in the suburbs of Raleigh. So threatening were the bands of Tories that a regiment of militia was stationed in the vicinity to protect the body during its sitting. Alexander Martin was chosen speaker of the senate, and Benbury again presided over the house. Governor Nash declined a re-election because of ill health, but perhaps there were other reasons as well. The creation of the Board of War and later of the Council Extraordinary had divided power and responsibility and had resulted unfortunately, so that the government had lost much of its efficiency. The council had ordered that one-fifth of the provisions upon every farm should be taken for the public use, and heavy taxes in kind had been imposed. Impressments having been resorted to, Major Murfree toward the end of May impressed, at Pitch Landing, two thousand gallons of rum, nine hundred weight of sugar, a thousand of coffee, six or seven hundred yards of canvas, a small quantity of ammunition and other commodities, which the merchants had imported. Much dissatisfaction resulted from these measures, tending to render the administration unpopular, while the currency, both continental and state, had become almost worthless, and the feebleness of the military arm in checking the Tories and the scarcity of ammunition, guns and clothing for the soldiers were causes of adverse comment and grave apprehensions. To succeed Governor Nash, the Assembly chose Dr. Burke, who qualified on June 26th.

On accepting the office of governor, Burke communicated to the Assembly with emphasis that he did not wish a continuance of the Council Extraordinary, but that he himself would discharge the functions of commander-in-chief. The

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S. R., XVII,
377
The Assembly meets at Wake Court House

McRee's
Fredell, I,
427
S. R., XV,
475

S. R.,
XXII,
1033, 1041
Burke
governor

1781

June

Measures of
defence

council therefore ceased, but General Richard Caswell remained nominally as major-general in command of the state forces. The Assembly acted with promptness and vigor. The Marquis of Bretagne, having offered his services to the State, was appointed a special agent to procure a fast sailing vessel, and go to the French islands in the West Indies and obtain five thousand stands of arms, ten thousand pounds of powder and other military supplies, twenty thousand pounds of tobacco being placed at his disposal for the purpose. A regiment of state troops was directed to be raised, and Benjamin Williams was chosen the commander, Joel Lewis first major, and Baron de Glaubeck, who had been so active and efficient, was appointed major of horse. In view of the condition of affairs in Chatham, Cumberland, and Randolph, it was resolved that a company of light horse should be raised for two months in each of those counties. An exception was made in the operation of the confiscation act of all persons, theretofore disaffected, who should serve with General Sumner in the continental battalions for the term of ten months.

S. R., XV,
533; XVII,
930-975The
depreciated
currency

The militia that had acted badly at Guilford Court House having been drafted into the continentals, the Assembly now requested the governor to recommend to General Greene to discharge them "whenever the situation of affairs would admit of such an act of benevolence." Samuel Johnston, Charles Johnson, William Sharpe, and Ephraim Brevard were on July 12th elected delegates to the Continental Congress. The value of the currency had now fallen so low that the Assembly rated a day's work at \$250, allowed Joel Lane £15,000 for the use of his house and pasturage for one month, and paid \$12,000 for a single horse. On July 14th, the body adjourned to meet again in November at Salem, more removed from the seat of war.

Governor Burke's zeal

Undismayed by the adverse circumstances of that unhappy period, when Burke assumed the reins he was all activity. Three days after his election he directed General Butler to post five hundred men between the Cape Fear and the Neuse, covering the lowest fords on each, and to patrol with

cavalry toward the enemy's lines, requiring daily reports of the situation. He lost no time in urging the Assembly to action. "I perceive," said he, "the country everywhere unprepared for defence; without arms, without discipline, without arrangements, even the habits of civil order and obedience to laws changed into a licentious contempt of authority and a disorderly indulgence of violent propensities. Industry is intermitted, agriculture much decayed, and commerce struggling feebly with almost insuperable difficulties. The public money is unaccounted for, the taxes uncollected or unproductive," the individual creditors of the public unpaid for years, "and the treasury totally unable to make payment." Dark indeed was his portrayal of the situation. And to that were to be added the perils and dangers of that gloomy period when the British were threatening the State from the north, the sounds and coast infested with privateersmen bent on spoils, and from Guilford to Brunswick civil war raged, its horrors heightened by passion, butcheries on either side being of daily occurrence.

1781
S. R., XVII,
319
June

The
depressing
conditions

Even before the adjournment of the Assembly Governor Burke began to move from point to point in the State, inspiring confidence by his presence and assuming direction. He had full power to act, and his known energy and resolute will brought new hope to the Whigs in the terrorized sections. While urging the Assembly on he busied himself supervising operations; and he began to plan a movement not merely to suppress the Tories, but to drive Craig out of his stronghold on the Cape Fear. Indeed, he was aroused to the utmost exertions by the earnest appeals that constantly came for immediate assistance.

Burke's
activity

General Lillington, writing from the Trent on July 6th, complained most bitterly that no aid had been furnished his district by the other counties. He represented that the Whigs of that region, distressed as they were, felt that they were to fall a sacrifice to the enemy; expelled from their homes, their plantations ravaged, their negroes carried off, and those caught compelled to accept allegiance or to go into captivity. His own immediate section was desolate and deserted, and doubtless the iron had entered into the soul

S. R.,
XXII, 540

The Cape
Fear region

1781
S. R.,
XXII, 543

of the old veteran, whose heart bled for the misfortunes of his friends and kindred.

From Bladen, Cumberland, and the upper Cape Fear, also, came cries for help that appealed most strongly to the governor for prompt and effective action.

Fanning embodies the Tories

Fanning's
Narrative in
S. R.,
XXII, 183
et seq.

Although Cornwallis suffered continuous disappointment while at the south from the passiveness of the North Carolina Loyalists, yet after his departure from the State they became very active. While many of their partisan leaders attained great prominence, chief among them was David Fanning, a native of Johnston County, but from boyhood a resident of South Carolina. In the fall of 1780 he came to Deep River and made himself acquainted with many persons who had received commissions from Colonel Hamilton the preceding July. He watched and waited. He was concerned with Dr. Pyle in the raising of that band of Tories that Lee cut to pieces in February, 1781, but was not himself present at the massacre. Immediately afterward he began to collect another body, and he gave information to Cornwallis, and was with him on his march to Ramsey's Mills, accompanying him to Cross Creek. At that time Cornwallis's plans were not matured, and he expected that he might return to Hillsboro. Fanning established himself with some seventy Loyalists at Coxe's Mill* and interfered with Greene's communications in North Carolina. Shortly afterward he attacked a detachment under Colonel Dudley, of Virginia, coming from Greene's camp with baggage, drove off the guard, capturing the baggage and nine horses. Colonels Collier and Balfour, of Randolph, embodied one hundred and sixty men, and on June 8th reached his vicinity, but he made a night attack on them, and then sought safety in concealment. A few days later Fanning contrived a general meeting of the Loyalists, who selected him as their commander. Accordingly he repaired to Wilmington and obtained on July 5th from Major Craig a commission as

1781

*Coxe's Mill is on the western side of Deep River, at the mouth of Mill Creek, in Randolph County, about five miles from the Chatham line.

colonel of the Loyalist militia of Randolph and Chatham counties. A week later he had a general muster at Cox's Mill and organized a force of a hundred and fifty men. There had been appointed by Colonel Hamilton captains and other officers for seven companies in Randolph County, for six in Chatham, two in Orange, four in Cumberland, and three in Anson. These all were more or less in touch with Colonel Fanning, affording means of embodying men and directing their movements that rendered his operations very effective. On the same day that he held his muster on Deep River there was a court martial and Whig muster at Pittsboro, some twenty-five miles distant. Fanning determined to strike them a blow. By seven o'clock the next morning he reached the hamlet and surrounded it. The members of the court had dispersed for the night to country homes. As they approached the village in the early morning Fanning successively took them prisoners, among them being all the militia officers of the county except two, a captain of the continentals and three members of the General Assembly, his captives numbering fifty-three. He paroled most of them, but conducted fourteen of the most prominent and influential Whigs to Major Craig, at Wilmington. Among those taken were Herndon Ramsey and James Williams. Excesses committed by Major O'Neal, Colonel Robeson, of Bladen; Wade, of Anson; Phil Alston, and other vigorous patriot leaders, which the Tories complained of as being "barbarous murders," led Fanning and his associates to practise retaliation, and these Chatham prisoners, when they reached Raft Swamp, were threatened with execution. They apprehended they were to fall victims to partisan rancor. Accordingly, their "situation being very unhappy," from that point they addressed a letter to Governor Burke detailing the complaints made by the Tories and asking that Tory prisoners "may be well treated in future." In view of this intercession, their lives were spared, and after a month's detention at Wilmington some of them were paroled, while others were conveyed to Charleston.

On his return to Deep River Fanning received information that Colonel Alston with a party of twenty-five was watching for him. He surprised Alston at his house, and

1781
July

Pittsboro
taken
July 12, 1781;
N. C. Uni.
Mag., II,
30
(1783)

S. R.,
XXII, 550

N. C. Uni.
Mag., II,
30
(1783)
S. R.,
XXII,
203, 557

1781
July

in an action lasting several hours killed four and wounded all the rest except three, when they surrendered. His own loss was but two men killed and four wounded. Again did Colonel Balfour make an effort to capture him, but without success.

While Fanning was operating in the Deep River country two active Tories in Bladen, McNeil and Ray, collected the Loyalists lower down, and proved much too strong for the local Whig leaders.

S. R.,
XXII.
543, 546, 548
in Bladen

On July 10th Colonel Robeson wrote to Governor Burke of the situation in Bladen: Distressed by a large body of Tories and robbers, who range through the county from Wilmington up to Drowning Creek and the waters of the Little Peedee as far as Richmond—a hundred miles in length and fifty across—a country much encumbered with very large swamps and thick places, difficult for a small party of troops to be of much service; and the friends to their country that live in this part so distressed by their property being taken from them daily, and they in constant danger of their lives by a set of Tories and robbers protected by the British, that if we can't have assistance, we must unavoidably fall a prey to those villains—must in a very short time be obliged to leave our homes; and at this time obliged to leave our habitations every night to take our rest. The inhabitants of the county consisted of fifteen companies, and now there can't be raised more than seventy or eighty men that dare move in behalf of their country. Five days later he again wrote to the governor that there were but fifty men to oppose some four hundred under McNeil and Ray, and McLaurin Colvill* appointed colonels of Bladen County; that Colvill had said he would have three hundred more men from the lower part of the county and one hundred from Brunswick; that August 1st was the time limited for the people to come in by the proclamation of General Clinton and Arburthnot, which had been industriously spread among the people, and if they did not go in they were to be destroyed. McNeil was encamped at McFalls Mill, between Drowning Creek and Raft Swamp, and Colvill was ordering a general muster at Elizabethtown.

*Called by Dickson Maturin and generally so written.

Colonel Brown was the commanding officer of Bladen County, but it was impossible to get men to join him without assistance. Colvill, however, did not live long to enjoy his new honors. Colonel Emmett wrote to the governor on the 19th: "A small party of our people in Bladen, . . . without orders, went to the house of Mr. Colvill, who had accepted from the English a colonel's commission, killed him, and plundered the house of what property was to be found in it."

1781

July

On July 30th Colonel Brown and Colonel Robeson joined in a pathetic letter to Governor Burke, which was borne by Colonel Owen himself, urging help. For six months they said they had been seeking to defend themselves and property, but the Tories were largely increasing, and robbers were "daily plundering and destroying our stock of cattle and our houses of everything, . . . and now at this time old Hector McNeil is encamped with a large body of men within eight or ten miles of our court-house, and is increasing in number very fast, and Colonel Duncan Ray is encamped in another part of our county with a large body of men and is giving out notice to the inhabitants that all that do not come in by August 1st will have all their properties destroyed and laid waste; and we, being but few in number that stand in behalf of our country, are not sufficient or able to stand in our own defence without immediate assistance. . . . Our number is not one hundred . . . to oppose between four and five hundred. . . . We shall be all broke up and obliged to give way and leave the place, which will be greatly to the advantage of our enemy and will still increase their number."

S. R.,
XXII, 1043

Wade's victory

As Colonel Owen passed through Campbellton, Colonel Emmett, commanding in Cumberland, sent by him a similar letter advising the governor that there were four or five hundred Tories embodied at McFall's Mill, on Drowning Creek, thirty-five miles from Campbellton, and that unless Campbellton itself were occupied by the State, the Tories would take it. In the meantime, however, Colonel Wade, of Anson, was not inactive. Ascertaining that these Loyal-

S. R., XV,
590

1781
August 4th

Wade's
Report,
Graham's
Graham,
376

ists were engaged in disarming the settlers within twenty miles of the Peedee and carrying off men fit for duty and driving off all stock over Drowning Creek into what they called "protected land," where McNeil and Ray had their "flying army." Colonel Wade called out half his regiment, and was joined by parties from Montgomery and Richmond, and proceeded into that territory. On Saturday, August 4th, he came up with them at Beattie's Bridge, on Drowning Creek, and after a sharp engagement, lasting until twelve o'clock at night, the Tories drew off. A dozen of them were killed and some fifteen wounded, while Wade suffered no other loss than four men wounded.

Cornwallis's plans

S. R., XV,
508

In the middle of July news came from Virginia that was at once disquieting and hopeful. Lafayette wrote that a part of the British troops were designed to embark for New York; the rest "will garrison Portsmouth; but from their number of cavalry I imagine they will push to the south-land." Other developments led to the belief that Tarleton with a large force of cavalry would pass through the interior of the State to the aid of Rawdon. And preparations were made to harass if not destroy him should the movement be undertaken.

S. R., XV,
549, 550, 551,
556, 557

Governor Burke at once directed the commanding officers of Granville, Orange and Caswell to collect all their riflemen and march to Boyd's Ferry, on the Dan, and Kemp's Ferry, on Roanoke, to drive back Tarleton's cavalry. But Cornwallis changed his plan, were it ever contemplated to send that corps to the southward.

South Quay
captured

S. R., XV,
560

A party of the enemy pushed from Suffolk to South Quay on July 16th and destroyed all the stores and warehouses at that place. The next day they came within twelve miles of Murfree's Landing, burning dwellings and storehouses; and also at Weyanoke they destroyed large quantities of rum, sugar, coffee, and other articles stored by the merchants. They threatened Pitch Landing, but Major Murfree having raised some seventy men and taken post at Skinner's Bridge, on Meherrin River, they retired to Suffolk.

S. R., XV,
535

At the south, Craig, too, was displaying energy. He

rebuilt the Heron Bridge, and announced his intention of giving no more paroles, but would seize and sell the property of every man who did not join him. Many of the Whigs were overawed. From Cumberland came the report: "We had a muster on Monday last, where the third and fourth numbers were ordered to meet in order to march after the Tories; but there were neither officers nor men met—only eight or ten; the colonel never came at all."

And Lillington reported to the governor that he had not three rounds of ammunition, and knew not where to apply.

1781
August

S. R., XV,
569

New continental battalions

In South Carolina General Greene, always prudent, was chafing at his enforced inactivity because his force was inadequate to renew hostilities. He was anxiously awaiting the arrival of more men before risking another battle. Urged by his repeated calls, Major Armstrong hurried forward two hundred of the continental drafts; while on July 14th General Sumner wrote to Greene from Salisbury: "I arrived here Wednesday last with about five hundred rank and file badly equipped; however, I have . . . received near three hundred good arms, . . . which I have put in the hands of some good men, who will march to join you under the command of Lieutenant-Colonel Ashe early to-morrow morning." To Colonel Ashe he gave orders that on his arrival at General Greene's camp he was to take charge of all the continental troops of this State and incorporate them as the First Regiment.

S. R., XV,
530, 533

Ten days later Sumner himself marched, leaving Armstrong, Hogg, and Blount to organize and bring forward the drafts from the districts of New Bern, Halifax, Edenton, and Wilmington, all of whom were still delayed. When assembled, these were formed into the Second Battalion.

At that time General Greene had in contemplation the relief of North Carolina by carrying the garrison of Wilmington, and then to hasten on to Virginia, and to once more try conclusions with Cornwallis. With this view, on August 2d he gave orders for Lee's Legion, Kirkwood's Delawares, and Handy's Maryland continentals, to prepare for an expedition against Wilmington. Secrecy and despatch were

Greene
proposes to
take
Wilmington

Lee's
Memoirs,
447

1781

August

necessary elements of success. Captain Rudolph, with a small party of the legion, was hurried to the Cape Fear to acquire information and to collect boats to cross that river. His mission was entirely successful; but at the moment when Greene was about to strike the blow he received information from General Washington that required a change of plans. Ordering Lafayette to continue his cautious conduct, he again addressed himself to driving the British into Charleston. Washington planned to capture Cornwallis himself.

Craig invades the eastern counties

All inhabitants had been required by Major Craig to come into the British camp and give in their adhesion by August 1st, and those failing to do so were to be regarded as enemies subject to the death penalty and to having their homes plundered. The alternative was fearful to those within his power. The dog-days of August indeed ushered in a period of horror and relentless warfare. The British commander issued his proclamation that the Loyalists should be ready to march with him, and on August 1st he began a tour through the eastern counties. Colonel Kenan with a hundred and fifty of the Duplin militia had taken post at Rock Creek (some two miles east of Wallace), and now was joined by a detachment of a hundred and eighty from the brigade of General Caswell, and two hundred under Colonel Brown of Bladen. On the approach of Major Craig with two hundred and fifty regulars and about eighty Tories, Kenan proposed to contest his passage. His ammunition, however, was soon exhausted; and on being charged the militia broke and fled, closely pursued by the British light horse, who succeeded in taking some twenty or thirty prisoners.

S. R., XV,
569, 593

Battle of
Rock Creek

Dickson's
Letters, 17

Aug. 2, 1781

S. R.,
XXII, 568

For ten days the British column lingered in Duplin, living on the country, embodying the Tories, exacting allegiance of the people and carrying out the programme announced in Craig's proclamation. The moderate and conservative policy of Cornwallis at his entrance into the State was no longer enforced: on the contrary, fire and sword now took the place of conciliation and regard for the inhabitants as subjects of Great Britain. Those who did not attach them-

selves to the British camp were held outside of the pale of protection and given over to the vengeance of the Tories.

1781

August

Having thoroughly harried Duplin, the column, now increased by the accession of three hundred Loyalists, turned its head toward New Bern, and General Lillington, who was encamped at Limestone Bridge, in Duplin, moved his force on the road to the Trent to intercept its progress.

Lillington forbidden to hazard a battle

General William Caswell with a party of one hundred and sixty horse operated on the enemy's lines, and before Craig had reached Kinston had a skirmish with about fifty of the dragoons. He found, however, that his mounted militia could not stand a charge; the gleaming swords of the enemy terrified them. Craig hastened on to surprise Lillington, who would have given him battle if permitted. But under orders, he avoided a meeting. Yet again were the British horse attacked, and with some loss. Caswell reported to the governor on the 17th: "General Lillington is between New Bern and the enemy, and I am fearful will risk an action. . . . I have done everything in my power to prevent it, and have let him have a sight of your Excellency's letter, wherein you mention that no general action must take place." General Lillington's force was about six hundred, drawn from Onslow, Jones, Craven, Dobbs, and Pitt, while Caswell commanded one hundred and fifty horse. The crying need was for ammunition, and arms were very scarce. It is probable that the want of ammunition determined Governor Burke to order that no general engagement should be risked. Lillington had taken position at Webber's Bridge, on the Trent, had removed the planks and had placed a strong guard to hold it. At that point there was a slight collision with a reconnoitring party, three of the enemy being killed and five wounded. On the evening of the 19th Craig reached New Bern. In his progress he had ravaged every Whig plantation and brought ruin and distress on the inhabitants of the country. On leaving Wilmington he had with him only about eighty Tories, but as their route lay through a country much disaffected, many inhabitants

S. R.,
XXII,
564, 565

New Bern
occupied
Aug., 1781
S. R.,
XXII,
564, 566, 573,
569

1781
August

joined them. Those above fifty years of age were required to take an oath of allegiance, while the younger men were prevailed on to enroll in their ranks, and their numbers were augmented by hundreds. General Caswell was apprehensive that almost all of the inhabitants in the vicinity of New Bern and most of those in Beaufort and Hyde counties would enlist with Craig. "What force we can raise and arm," he said, "will not be superior to the Tories," and arms could not be had for the men they could raise. He proposed to establish a post at Webber's Bridge and at Bryan's Mills, on the Neuse. General Lillington, now quite old and much fatigued, was to leave the camp the next day.

Lillington was resolute, and doubtless eager for a battle, but it appears that he was restrained by the prudent orders of the governor from making a stand against the British force. His plantation and those of his friends at Rocky Point had been desolated, their negroes carried off, and themselves reduced to poverty. Some of his friends had been captured and subjected to inhuman ill-usage, and he doubtless chafed that he was not permitted to strike a blow at the enemy, even though he might not hope for absolute victory.

Death of
Gaston

On entering New Bern, the British met with a cordial reception from some, but the patriotic citizens sought to escape. As Dr. Alexander Gaston with his wife and two small children were about to depart in a boat one of the Tories ruthlessly shot Dr. Gaston down, and the son, afterward the eminent jurist, was literally baptized into patriotism in the blood of his murdered father. After despoiling the town, robbing the citizens, burning vessels and committing other excesses, Craig with his Tory followers departed toward Kinston.

Biog. Hist.
of N. C., II,
99; VII, 111
S. R., XV,
623

Tory atrocities

S. R., V,
626

He rapidly advanced to Bryan Mills, on the Neuse, where Colonel Gorham commanded a detachment. There a skirmish ensued, but Gorham was easily driven off.

The British remained at that point one night, burning the

houses of General Bryan, William Heritage, William Coxe, and Longfield Coxe, and much distressed and abused their families. Their intention was to proceed further into the interior, but General Wayne with a body of continental troops, who was operating against the British near Suffolk, now drew near to North Carolina, and a report spread that he was at Halifax. Craig, receiving this information, turned to the southward, crossed the Trent and moved to Richlands, thence returning to his fortifications at Wilmington. His loss on this raid was about fifteen killed and captured and about the same number wounded. The great scarcity of ammunition prevented much skirmishing on the part of the Americans. The destruction of the residences at Bryan Mills led to severe retaliation; the inhabitants who had suffered raised a party and burned up all the houses of the Tories in that vicinity. General Caswell ordered such troops as could be raised in Duplin, Wayne and Onslow to fall in the rear of the retreating enemy, and to annoy them on their return to Wilmington. But without serious opposition Craig regained his fortifications. In this foray he carried into effect the terms of his proclamation. The Tories especially were jubilant. They burned houses, seized many negroes and destroyed many farms. In retaliation, the Whigs devastated the plantations of their Tory neighbors, and a reign of terror and relentless warfare was inaugurated. William Dickson, of Duplin, writing three years later, says: "The enemy stayed several days in Duplin—the first week in August, 1781. The Royalists gathered together very fast, and we were now reduced again to the utmost extremity. . . . Some men collected and formed a little flying camp, and moved near the enemy's lines, and made frequent sallies on their rear flanks. . . . The Tories in Duplin and other counties . . . become more insolent than ever; but Craig having returned to Wilmington, the Whigs again resumed their courage, and determined to be revenged on the Loyalists, our neighbors, or hazard all. Accordingly, we collected about eighty light horse and . . . marching straight into the neighborhood where the Tories were embodied, surprised them; they fled, our men pursued them, cut many of them to pieces, took several and put them to instant death."

1781
S. R., XV,
647; XXII,
593

August

Craig
returns to
Wilmington

Retaliation

Dickson's
Letters,
17-19

Tories
massacred

1781

S. R.,
XXII.

204, 205, 567

Battle of Elizabethtown

While Major Craig was harrying the Whigs of the eastern counties, Fanning and the other Tory leaders were devastating the settlements on the Northwest Branch of the Cape Fear. On August 11th Fanning, Slingsby, McNeil, and Ray all met, with their respective forces, at Cross Creek, and together they scourged the country on either side of the river, taking prisoners, ravaging plantations and desolating the Whig settlements. Colonel Slingsby on the assassination of Colvill had been appointed to command the Bladen Loyalists, and when Fanning, toward the last of August, returned from Wilmington, he found Slingsby with his command at Elizabethtown in possession of many Whig prisoners.

Dickson's
Letters, 13S. R.,
XXII, 205

Colonels Brown, Owen, Robeson, Morehead, Irwine and others who had been forced to abandon their homes by these Tory bands, had been anxiously seeking aid and re-enforcements to return and drive them from Bladen. But the people of Duplin and the neighboring counties were themselves harassed by troopers from Wilmington and the Tories of their own section, so that assistance could not be obtained. At length, however, they collected some one hundred and fifty Bladen men, who like themselves had been expelled from their homes, and on the night of August 29th they forded the river in the vicinity of Elizabethtown, and just before daybreak made an attack on Slingsby's post. Although the garrison, consisting of four hundred, largely outnumbered the small party of assailants, this night attack resulted most fortunately. In the camp were many Whig prisoners, and this circumstance probably contributed to induce the early flight of the garrison. The Whigs, by a sudden and violent onslaught, just before daybreak, threw the surprised Tories into disorder; and as their principal officers sought to marshal them, they soon fell before the unerring fire of the resolute assailants. Deprived of their leaders, the Tories, in consternation, precipitately fled, many of them leaping pell-mell into a deep ravine, which has since been known as "Tories' Hole." "In this action," wrote Archibald Maclaine from Sampson Hall some three weeks later, "we had only one man wounded; killed, wounded and taken

Wheeler,
Hist. N. C.,
II, 41N. C. Uni.
Mag., IV,
328 (1855)

of the enemy, nineteen. Slingsby since dead of his wounds." Colonel Godden fell dead in his tracks, as did most of the other officers of the garrison. Knowing that their small numbers could not successfully resist the Tories in an open, pitched battle, the Whigs collected the arms and stores in the camp and retired to the other side of the river, carrying their booty with them.

1781

August

This battle of Elizabethtown,* as it was one of the most daring in conception, was one of the most brilliant in the partisan warfare of that region, so remarkable for its many bold encounters. In its results it was equally important as it was successful. Not only were the Loyalists of Bladen disheartened and suppressed, but the supply of arms and ammunition obtained by the Whigs equipped them for larger operations, and the Tories of that part of Bladen made head no more.

Governor Burke's plans

During all that heated season the efforts of the governor were untiring. In August he was mollifying the outraged merchants of Edenton, whose commerce had been arrested by the impressment of their cargoes, and then at Halifax he was preparing to delay the progress of Cornwallis should he again turn southward, escaping from Virginia to reunite with Rawdon in South Carolina. Certain information had come that in consequence of the arrival of the French fleet, Cornwallis was moving from York to Jamestown, intending to cross the James River, and hoping to pass unopposed through North Carolina. Perhaps it was to facilitate that possible movement that Craig had made his inroad into the eastern counties somewhat earlier. Now Burke was busy securing the boats on the lower Roanoke and embodying the militia to obstruct the expected march of the enemy until

S. R.,
XXII,
573, 573-28

S. R., XV,
630

*There has been some confusion as to the date of this battle. It was evidently after Major Craig had passed through Duplin; and Fanning says in his Narrative that it was two days before the defeat of Colonel Wade, which was on September 1st. Dickson says Colonel Brown was in command of the attacking party (Dickson's Letters, pp. 17 and 19. MacLaine's Letter, *Unit. Mag.*, 1855. Fanning's Narrative). Fanning, ignorant of the assault by the Whigs under Brown and Robeson, ascribed the affair to the uprising of the Whig prisoners Slingsby had in his camp.

1781

September

Lafayette and Steuben and Wayne might bring him to battle. On August 24th he ordered out the militia of all the counties; those in the east to oppose Cornwallis; those of the centre and west to suppress the Tories on the Cape Fear. The detachments from Granville and Wake were to assemble at Wake Court House; from Caswell, Randolph, Chatham, and Orange, at Ramsey's Mills. It is said he was projecting a great movement and intended to lead the militia himself.

Mr. Ree's
Fredell, I,
542

The danger of Lord Cornwallis's situation being evident, it was not doubted that he would endeavor to make good his retreat through the State. Governor Burke resolved to put the whole force of North Carolina in motion to act as the occasion might require, either to oppose Cornwallis or to attack Craig or to re-enforce General Greene so as to give him a decisive superiority. Realizing that everything depended upon prompt execution, he gave his personal exertions, influence and authority to accomplish his design, and early in September moved toward Salisbury, where he proposed to complete the dispositions he had directed at the West.

S. R., XV,
595

The
situation

He spent the early days of September in Granville and then set out on his journey to Salisbury. On the way he stopped a day or two at Hillsboro. He was constantly receiving and answering appeals for military aid made by the distressed inhabitants of the Cape Fear section. But insurmountable obstacles and difficulties met him on every side. There was pressing need for the continental drafts to be hurried to Greene's aid in South Carolina, and calls were made by General Steuben for both continentals and militia to assist him in Virginia. General Rutherford and Colonel Isaacs, who had been conveyed as prisoners to Florida, had just returned from their confinement; Davidson was dead. Colonel Locke had marched a detachment to the southward. William Caswell in the east and General Butler at the west were the main reliance for active work. Butler early in September was gathering a force on the Haw and the Deep to hold in check the formidable bands of Tories that were scourging that region. Next to Rutherford he was the most efficient of the brigadiers.

Fanning defeats Wade

1781

On his return from Wilmington, with a fresh supply of ammunition, Colonel Fanning after passing Slingsby at Elizabethtown continued to McFall's Mills, about sixty miles distant. There he received information of the disaster to his friends at Elizabethtown, and he despatched ninety of his men back to render assistance; but it was too late, the Whigs had gathered their booty and had retired. He likewise received information that Colonel Wade was marching to attack Colonel McNeil in the vicinity of Raft Swamp, and he set out to re-enforce that Loyalist partisan, whom he joined in the morning of September 1st.

S. R.
XXII,
425-424

He found that Wade had crossed the bridge to the eastern side of Drowning Creek, and had taken post on the highland near a mile distant from the bridge, the intervening road being a narrow causeway. Fanning directed McNeil to turn down the swamp to cut off Wade's retreat in that direction, and, confident of victory before midday, began the battle. At Wade's first fire eighteen horses of Fanning's men were killed, but the Tories at once dismounted and made a deadly assault, continuing to fire as they advanced; and when they approached to within twenty-five yards of Wade's line the Whigs broke and fled in the utmost confusion. Had McNeil obeyed directions closely Wade's force would have been entirely destroyed; but he did not take the position assigned him, and the causeway and bridge were open for a safe retreat. Fanning pursued some seven miles, and took fifty-four prisoners, four of whom died that night, while nineteen of the Whigs lay dead on the ground. He states his own loss at only one killed and a few wounded. Having taken two hundred and fifty horses, he distributed them among those of his troops who were not mounted in the action. The prisoners were paroled, except thirty, who were sent to Wilmington; and then Fanning returned to McFall's Mills, where he was joined by the detachment he had sent to Slingsby's assistance. The misfortune that befell Wade's force in this encounter had a dampening effect on the ardor of the Whigs; but General Butler, Colonel Balfour, Colonel Mebane, Colonel Collier and their associates redoubled their

1781

efforts to restore confidence and bring the militia together to make head against the aggressive Loyalists.

The governor is captured

September

While Fanning was at Wilmington toward the end of August, that bold partisan agreed with Craig that Governor Burke should be captured; and after defeating Wade, Fanning resolved to carry the design into execution. On September 8th he was joined by Colonel McDougal, of Cumberland, with two hundred men, and Hector McNeil with a detachment from Bladen, and more than four hundred others had responded to his call for the Loyalists to embody. He thus found himself at the head of several hundred active partisans. Marching directly toward Coxe's Mill as if to attack General Butler, who was in that vicinity, he suddenly changed his route, pushed on during September 11th and all the following night, and reached Hillsboro in the early morning. His presence in that vicinity was not at all suspected.

S. R.,
XXII, 207S. R., XVI.
12 *et seq.*

At Hillsboro

Governor Burke on September 10th received information of the movement of Fanning toward Butler's camp, and sent a warning to the general to be on his guard. Little did he suspect that the object of the enterprising partisan was nothing less than his own capture. On the night of the 11th no particular precautions were taken by the detachments at Hillsboro. The little hamlet was rejoicing in the presence of his Excellency and those who attended him, and its sense of security was not at all disturbed by the movements of the enemy. Hillsboro was in a measure the seat of government, and there were stored some cannon, supplies and provisions, and it was the headquarters of the continentals at that time, a number of whom were congregated there preparing to march to the southward. Suddenly the next morning, a foggy, disagreeable morning, it was rudely awakened from its peaceful repose. A clap of thunder from a clear sky would have been no greater surprise. At seven o'clock on the morning of the 12th Fanning's Tories entered the town in three divisions. Several shots were fired from different houses upon the invaders, but without inflicting any

Sept. 12, 1781

serious loss. "We killed fifteen of the rebels," said Fanning, "and wounded twenty, and took upward of two hundred prisoners. Among them was the governor, his council, a party of continental colonels, captains and subalterns, and seventy-one continental soldiers taken out of a church. We proceeded to the jail and released thirty Loyalists and British soldiers, one of whom was to have been hanged on that day." He took the guns from the guard and put them in the hands of the prisoners, and turned the guard into the prison quarters. It was there that most of the Whigs were killed.

1781

S. R.
XXII, 207

Battle of Cane Creek

Colonel Mebane made good his escape during the *mélée*, and hastened to advise General Butler. Seeking to intercept Fanning on his return, Butler took post at John Alston's mill, near Lindsay's, on Cane Creek.

The Tory commander, having secured the object of his expedition, hastened away with his prisoners, thinking by celerity of movement to escape without molestation. By twelve o'clock he began his march. That night he reached the vicinity of Cane Creek, and the next morning the march was resumed. His force was composed chiefly of two bodies, one, several hundred Scotchmen, under McNeil and McDougal; the other, loyal inhabitants, not Scotch, under Fanning and militia officers. The Scotchmen were in the advance, while Fanning's Tories were in the rear with the prisoners. Butler had posted his men along the high banks on the south side of the stream, where the road coming from the ford skirted through a narrow piece of low ground. As McNeil advanced along this open roadway the Whigs from the brow of the hill delivered a deliberate fire with murderous effect. The Scotchmen, utterly surprised, at once recoiled. Fanning hastened to send his prisoners off under a detachment so as to secure them at all events, and then crossed the stream higher up, and a desperate and bloody conflict ensued. By Fanning's attack from an unexpected quarter the Whigs were thrown into momentary confusion, but soon rallied, and nearly every Whig killed in the action fell at this time. The engagement lasted four hours, resulting in

Corruthers,
O. I. North
State, I.
227-219S. R.
XXII, 207McRee's
Inquest, I.
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1781

September

Fanning
disabledCanuthers,
I, 214S. R., XV,
651Butler
surprised at
Brown
MarshGraham's
Graham,
365Biog. Hist.
of N. C., V,
36Martin
acting
governor

the retreat of the Whigs. The loss of the Tories was twenty-seven killed, sixty so badly wounded that they could not be moved, and thirty others wounded, who, however, continued with the main body. The loss of the Whigs, while great, was not so heavy. Several of the highest officers on both sides were killed. Among the slain were Colonel Lutterell and Major John Nalls; while on the Tory side John Rains, Edward Edwards, Colonel Dushec Shaw, and Colonel Hector McNeil, the elder, fell dead on the field. At the very end of the battle Colonel Fanning received a wound in his arm that shattered the bone and disabled him. It is related that Colonel Robert Mebane signalized himself by a bold and deliberate act of courage in the hottest of the battle. The ammunition of the Whigs was about expended, and he advanced along the line slowly distributing powder and ball to the men as needed, a target for every man in the Tory ranks. Fanning, being unable to travel, was conveyed to a secret place on Brush Creek, and for some weeks was disabled by his wounds. At his request, Colonel McDougal assumed command and hurried toward Wilmington, successfully delivering, on September 23d, the person of Governor Burke to Major Craig, who had advanced to Livingston Creek to receive his distinguished and valuable prisoner. Fearing to be overtaken, the Tories made such haste that although General Butler hotly pursued them even to the vicinity of Wilmington, it was without avail. However, he had a slight engagement at Hammond Creek, and he then took post at Brown Marsh, in Bladen County. There about October 1st the British marching from Wilmington in the night surprised him, attacking his camp with some success; and he retired toward Campbellton. And now for a time the State was left without a head, but Colonel Alexander Martin, as speaker of the senate, quickly assumed the reins of government and began an energetic administration.

Governor Burke was regarded as a political prisoner and not a prisoner of war. He was denied the right of exchange, and was held at Major Craig's suggestion as a hostage for the safety of Fanning, should that venturesome Tory fall into the hands of the Whigs.

The battle of Eutaw Springs

1781

September

Greene had now received considerable re-enforcement from North Carolina. The continentals led by Colonel Ashe were formed into the First Battalion; those brought by Major Armstrong and General Sumner about the close of July became the Second Battalion; and toward the middle of August Major Blount arrived with such other continental drafts as had then been embodied and provided with arms. These became the Third Battalion. They were all thrown into a brigade commanded by General Sumner in person. There had also reached camp two battalions of North Carolina militia commanded by Colonel Malmedy, a French nobleman, trained to arms, who was appointed by the Assembly early in July for that purpose. Taking into account those North Carolinians who had enlisted with Colonel William Polk, of Mecklenburg, Colonel Wade Hampton, and Colonel Hill, and in other corps then with Greene, North Carolinians formed one-half of Greene's entire army.

Strengthened by these accessions, Greene resolved to take the initiative and put an end to his enforced inactivity. At last, at the very time when Fanning was compassing his great stroke against his enemies—the capture of the governor, Greene brought on the battle of Eutaw Springs on September 8th. As before, the militia was placed at the front; those from North Carolina, under Colonel Malmedy. The second line was composed of continentals, the North Carolinians now under Sumner on the right. The British army was drawn up in a single line. The militia advanced with alacrity, and the battle became warm. The fire ran from flank to flank, the American line still advancing; but after a fierce contest the militia, having fired seventeen rounds, eventually gave way, and Greene instantly ordered Sumner to fill the chasm. He came handsomely into action, and the battle grew hotter and hotter, the British being driven back to their first position. The American line persevered and advanced, and the fire became mutually destructive, when General Greene, determining to strike a conclusive blow, brought up his reserves, and all pressing forward with a shout, the battle raged with redoubled fury. The conquering Americans pressed the advantage they had gained, pur-

Lee's
Memoirs,
467Lee's
Memoirs,
468McRae's
Iredell, I,
553

1781

The bloody
battle

suing the foe, and possessed themselves of the British camp, which was yielded without a struggle. The British line gave way, and in the pursuit the Americans took three hundred prisoners and two pieces of artillery. The British general, however, later restored his broken line and advanced; and the action was renewed, the battle terminating in the British re-possessing their camp, taking two field pieces, the Americans in turn retreating. For three hours it was a fierce contest, every corps in each army bravely supporting each other. It was one of the bloodiest of the great conflicts in the course of the war. More than one-fifth of the British and one-fourth of the American army were killed and wounded. The British took sixty prisoners, while the Americans captured about five hundred. Of the six commandants of continental regiments, only Williams and Lee escaped unhurt.

The gallantry of the North Carolinians

When Sumner moved forward, the battalions of Ashe, Armstrong and Blount so promptly filled the gap with such admirable and soldierly precision that Greene in a burst of enthusiasm exclaimed: "I was at a loss which most to admire, the gallantry of the officers or the good conduct of their men." These men had just been raised as new drafts, and were in part the very militia who under adverse circumstances had retired disorderly at Guilford Court House, and had been enrolled by the Council Extraordinary into the continental service for one year on that account. Now they were drilled and disciplined, themselves had bayonets and had been taught how to use them. They had officers trained and experienced, and they gave to the world an example of courage and endurance that reflected the highest credit on American soldiery. The loss of North Carolina was particularly heavy in that sanguinary battle. Of her continentals, three captains and one lieutenant were killed, and one captain and five lieutenants were wounded. Major James Rutherford, son of General Griffith Rutherford, was killed, and Captains Goodwin, Goodman, Porterfield, and Lieutenants Dillon and Polk, and Ensign Lamb were killed. The militia as well as the continentals suffered severely both in killed and wounded.

McRee's
Iredell, I,
554, 555,
S. R., XV,
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CHAPTER XXXIX

MARTIN'S ADMINISTRATION, 1781-83

Rutherford marches to Wilmington.—Cornwallis surrenders.—Wilmington evacuated.—Rutherford disbands his army.—Fanning not suppressed.—The Assembly at Salem.—The Tories active.—Governor Martin's action.—The return of Burke.—He assumes the administration.—Fanning's brutality.—Progress of events.—Burke seeks a re-election.—Alexander Martin chosen.—New legislation.—The Moravians.—Depreciation of the currency.—The Continental Line.—Indian hostilities renewed.—Leslie remains at Charleston.—The deplorable condition of the army.—Charleston evacuated.—The number of troops furnished by North Carolina.—The capture of Lord Montague.—The condition in 1783.—Governor Martin's address.—The sovereign State.

Rutherford marches to Wilmington

Although the abduction of the head of the commonwealth disorganized the administration and threw matters of state into disorder, it did not entirely disarrange the plans Governor Burke had set on foot to subdue the Tories and expel the British from Wilmington. In August General Rutherford, having returned from his captivity in Florida, resumed command in his district. His zeal had not been quenched by his misfortunes, but rather the remembrance of the sufferings he had endured inspired him with a firmer resolution. Conformably to the governor's programme, he quickly called out a part of his brigade, and asked volunteers to meet him at Little River, in Montgomery County, by September 15th, urging as many as possible to bring their horses and act as cavalry. Governor Burke was on his way to Salisbury in connection with this movement when he was captured, and doubtless this startling, shocking event caused some delay in the assembling of Rutherford's troops. A fortnight was passed in organizing the companies and in training the cavalry, the command of the horsemen being assigned to Colonel Robert Smith, assisted by Major Joseph Graham and Captain Simmons and others who had served under

1781

Graham's
Graham,
356

1781
October

Ri. g. Hist.
N. C., III,
35

S. R.,
XXII, 209

Major Davie in previous operations. Rutherford, intent on victory, took every precaution to bring his raw levies up to a state of efficiency. On October 1st he broke camp and moved by slow marches toward Campbellton, being joined constantly by new accessions. At that time General Butler, who had shortly before suffered discomfiture at Brown Marsh, had withdrawn from below and was in the vicinity of Cross Creek; and later he united his force with the new levies. On reaching Rockfish on October 15th, Rutherford's cavalry had a slight engagement with a detachment of Tories, and from prisoners information was obtained that a body of six hundred Loyalists under Colonels Elrod, Ray, McNeil, and McDougal then lay in Raft Swamp. Fanning was still in hiding on Brush Creek, in the Deep River section, his wounds not yet healed; but he had so far regained his strength that somewhat earlier he despatched messengers to Wilmington for a supply of ammunition, which Major Craig sent him on October 13th, and he was preparing to take the field again. The corps of Tories then at Raft Swamp was, however, a part of those who had been with him in the expedition for the capture of the governor and their leaders were wily and astute. In order to expel them from their stronghold, Rutherford arranged his men in a single line, five steps apart, and beat through the swamp, but without avail. The game had flown. The vigilant Tories made good their escape.

Graham's
Graham,
363

Rutherford encamped at Brown Marsh, some fifteen miles south of Elizabethtown and thirty miles from Wilmington, as General Butler had done several weeks before. While there, Colonel Alexander Martin, who had succeeded to the office of governor, visited the camp, remaining several days with the soldiers, and enthusing them by his presence. General Rutherford now determined to divide his force, leaving on the south side of the river Colonel Robert Smith with the mounted infantry and dragoons, some three hundred in number; while with the infantry he himself should invest Wilmington on the north side. Carrying this plan into effect, on October 23d he crossed the Cape Fear at Waddell's plantation and proceeded into New Hanover. Colonel Smith at once drew near to Wilmington, had several brushes with

parties of the enemy, and found that some fifty of the regulars occupied a brick house about two miles from the town, while a hundred Tories were encamped at Moore's plantation close by. He proceeded to attack the latter, and was so favored by fortune that twelve of them were killed outright and some thirty wounded; while on the part of the Whigs neither man nor horse was hurt. Finding the brick house* well garrisoned, protected by abattis, and the doors and windows barricaded, Colonel Smith despaired of reducing it without heavy loss, and after a fruitless attack retired beyond Livingston Creek.

1781
November

Moore's
plantation

When Rutherford reached the bridge over the Northeast River, ten miles north of Wilmington, he had a slight engagement with a British garrison established there, easily driving them off. He established his camp on the adjacent sand-hills, near the river swamp, and cut off all approach to the town from the northward. While investing Wilmington on the north and west Rutherford received information that Craig was obtaining provisions by boats from Lockwood's Folly.† He therefore directed Major Graham to make an excursion to cut off that source of supplies. Major Graham having proceeded in that direction, encamped after a cold, rainy day at Seven Creeks, not far from the South Carolina line. During the night his detachment was aroused by a full volley discharged into their camp by a band of Tories under Major Gainey, a noted partisan of that section. The enemy, however, fired too high, and only one of the men was wounded. Quickly the Whigs turned out and a night encounter ensued, but the attacking party successfully escaped into the neighboring swamp. The loss to the Whigs was Lieutenant Clark killed and three others wounded. Of the Tories, only one was killed.

Seven
Creeks

Graham's
Graham,
371

On November 17th, while Rutherford was still hemming

*The brick house was still in existence in 1857, its walls indented by balls, within sight of the town, on the rise of the hill just beyond Brunswick River, on the right of the Fayetteville road leading over Eagles Island from Wilmington (McRee's *Iredell*, I, 362).

†Lockwood's Folly, some ten miles west of Southport, was the scene of a settlement made by a man named Lockwood many years before the permanent settlement of the Cape Fear. But he incurred the enmity of the Indians, and the settlement had to be abandoned.

1781

Oct. 19, 1781
Surrender of
Cornwallis

in the British garrison. Light Horse Harry Lee* arrived in camp on his way to General Greene, bringing the great news that on October 19th Cornwallis and his entire army had surrendered at Yorktown; and that General Wayne and a considerable number of troops were marching to the south to aid in bringing the war to a close. With joy and gladness the news was proclaimed, and Rutherford drew up his army and peal after peal of musketry resounded through the neighboring country as he heralded the glad tidings in a "*feu de joie*." On the same day came the information that Major Craig was evacuating Wilmington, and Rutherford moved down to Shaw's, four miles from the town. The following morning, November 18th, all the British troops boarded the vessels which were then falling down the river. While they were yet in sight General Rutherford and a part of his troops arrived and took possession. Thus swiftly following Cornwallis's surrender, the last British soldier was expelled from the soil of North Carolina and the dominion of the enemy was over.

Wilmington
evacuated,
Nov. 18, 1781The
rejoicingMcRee's
Iredell, I,
563

It is impossible to describe the enthusiasm and happiness these events diffused among the Whig inhabitants of the State. It is narrated that when the news that Cornwallis was taken was announced to the congress, an officer of that body fell dead with joy. Throughout the State there was a season of great rejoicing. Even grave and reverend seignors gave a loose rein to hilarity. "One reason why I did not come to Edenton last term, as I promised," wrote Judge Williams to Iredell, "was that upon the confirmation of the news of the capture of Cornwallis we were all so elated that the time elapsed in frolicking." In the Cape Fear region, where there had been such a protracted reign of terror, the exaltation of the Whigs must have been unbounded.

*Early in October General Greene, hoping that after Cornwallis should have been taken Washington would despatch a force to his aid, sent Colonel Lee to Virginia to represent the situation of affairs in South Carolina. Washington assented to the suggestion and proposed that the French admiral should convey a detachment under Lafayette to the Cape Fear; but eventually the admiral found it inconvenient to delay his departure from the coast longer, and the plan was abandoned. General Wayne, however, marched some troops from Virginia to the south and operated in Georgia (Lee's Memoirs, p. 518).

But the distresses of the people of Wilmington were not quite over. They had grave complaints to make of the spoliation of their property at the hands of Rutherford's militia, who appear to have regarded that the town had been captured and was subject to plunder. The depredations were inexcusable. When requested, however, guards were placed by the general to protect the homes of the inhabitants. Such salt as the British had left was seized, and that being insufficient to load all the wagons, an additional supply was taken from the storehouses of the merchants, for that was a commodity of prime necessity, and was greatly needed at the west. When the army returned home, as it arrived at the place where a company was mustered out, the salt was distributed, one bushel to each man as his compensation, and it was of more real value than the auditor's certificates which they subsequently received for their services. General Rutherford, quiet being restored, marched his army to the interior, having first given orders to Major Graham to take all the dragoons and mounted infantry and effectually disperse such Tories as were still embodied along the South Carolina line.

1781
November

Graham's
Graham.
374

While the investment of Wilmington was in progress, Fanning, having received a supply of ammunition, toward the close of October gathered around him a hundred Tories and renewed his operations on Deep River. The Whigs, however, soon embodied and marched against him. On their approach he gave them battle, at first driving them off, but on their returning to the attack he himself retreated, and made good his escape. Fearing utter discomfiture if he maintained a large camp, he then separated his men into small parties, and these bands passed here and there through the Whig settlements, committing many depredations.

Fanning re-
news opera-
tions

The Assembly at Salem

The Assembly had adjourned to meet at Salem in November, and on the 8th of that month Colonel Martin, the acting governor, arrived, bringing with him two companies of soldiers. General Caswell and sixty-three members of the legislature also appeared, but twenty-eight members of the house and ten members of the senate were absent. Two

1781
November

Clewell's
Wachovia,
153

weeks passed in listless inaction. Then on the night of November 24th the alarming news was received that a large body of Tories was approaching with the purpose of seizing the person of Governor Martin. It was a cold November night, rain falling; and all night long the two companies were in anxious expectancy.

However, no attack was made; but the peril and the hopelessness of profiting by longer delay led to an adjournment, and on November 27th, without having transacted any business, the legislature adjourned to meet again on January 25th.

S. R.,
XXII, 211

Tories not
suppressed

Deep River was still the scene of great disturbance, for although Fanning had certain intelligence of Craig's departure, he and his lieutenants continued their depredations and murders, until at length on December 10th Colonel Elijah Isaacs, who had been taken at Camden and was Rutherford's companion at St. Augustine, "came down from the mountains" with a party of three hundred men and established his camp at Coxe's Mill, in the settlement where the Tory bands had their headquarters. For some weeks he remained there, but although his presence had some effect, he was unable to entirely suppress the roving bands, whose appetite for blood and plunder seemed insatiable. Nor, notwithstanding the departure of Craig's regulars and the operations of General Rutherford, were the Tories of the lower Cape Fear entirely subdued. In Bladen they still gave trouble. General Marion had made a truce with Colonel Gainey, a South Carolina Tory, in June, 1781, establishing a large truce-ground adjoining Anson and Bladen, in which the Tories could live in a state of neutrality, not to be interfered with, they undertaking to commit no depredations. Toward the end of January many coming from Gainey's truce-land did much mischief in Bladen, and Colonel Robeson wrote to Governor Martin that the worst of the Bladen Tories continued to stand out and would not surrender, "and I am of the opinion won't until they can be beaten or killed." Further, about a hundred of these irrepressible sympathizers of the British had gone over to the truce-land, and were a menace to that part of North Carolina. Colonel Robeson urged that the State regiment should be stationed on Raft Swamp and

S. R.,
XXII, 668

Ashpole, as a means of repressing them, but that regiment was not then fully organized, and was not sent.

Governor Martin's action

In order to hasten a restoration of normal conditions, Governor Martin, considering that an end ought to be put to all hostile operations now that there was no longer any British force to contend with, determined to enforce the civil law while offering the olive branch of peace.

He ordered that special terms of court should be held for the trial of the prisoners in jail, and such other criminals as might be captured; and on Christmas day he issued a proclamation pardoning all who had taken up arms against the State who should surrender before March 10th, on condition that they would enlist in the continental battalions for a term of twelve months; but such as had been guilty of murder, robbery or housebreaking were excepted from this offer.

Those inhabitants who had taken sides against their country were regarded by the administration as mere law-breakers and amenable to punishment in the courts. On January 17th a session of the court was begun at Hillsboro. Four culprits were arraigned for high treason, and convicted; one of them, Thomas Dark, had figured as a captain in Fanning's band, and was as enterprising and nearly as dangerous as Fanning himself. From his cruelty to prisoners, in cutting, hacking and wounding them, he had acquired among his followers the name of "young Tarleton." At that term of the court Colonel Alfred Moore conducted the prosecutions on behalf of the State, and gained great reputation for legal acquirements. At Wilmington court others were tried and convicted; and at the March term of Salisbury court Samuel Bryan, John Hampton, and Nicholas White were likewise found guilty of high treason and condemned to death. These men were the leaders in the Tory movement in June, 1780, escaping Rutherford and joining Major McArthur with the British dragoons at Anson Court House, then occupied as a British post. The judges in a statement made to the governor said that Bryan and Hampton were generally considered as very

1782

S. R.,
XXII, 910Tories tried
and
convictedS. R., XVI,
263, 270

1782

honest men; and it did not appear to the court that they had on their march through the State committed any unusual violence, there being no proof that they had been guilty of any murder, or house-burning, or even plundering except for the use of the army. Governor Burke at once reprieved the prisoners until May 10th, when the Assembly might determine on the proper course to pursue with regard to them, or they might be exchanged; and as some of the people about Salisbury were threatening violence against these prisoners, he directed Major Lewis, who was in command there, to be very attentive and prevent any interference with them.

The return of Governor Burke

Toward the close of October, Governor Burke, who had been held a close prisoner at Wilmington, was conveyed to Charleston, and was at first confined in a fort on Sullivan's Island; but on November 6th he was paroled to James Island, then infested by desperate refugees, full of hatred toward those who had expelled them from their homes. They had been accustomed to murder Whigs without compunction, and Governor Burke was often threatened and considered himself every moment in danger of assassination. At length a party of revengeful Loyalists fired on a small group who were at the governor's quarters, killing one man on one side and wounding another standing on the other side of him. The next morning the governor wrote to General Leslie portraying the perils of his position and requesting a parole within the American lines, or that he might be removed to a place of safety. General Leslie took no notice of this reasonable request. Finding that he was to be sacrificed to the rage of the exasperated Tories, whenever his assassination could be effected, and that he was not held as a prisoner of war, Governor Burke determined that he was perfectly released from all obligations to remain on James Island. His situation involved mutual obligations to which General Leslie seemed indifferent. Having resolved to escape, he succeeded in doing so on January 16th. He reached General Greene's headquarters safely, and at once wrote to General Leslie asking to be exchanged, and saying that he would return on parole provided General Leslie would

S. R., XVI,
15, *et seq.*;
178, 181

Burke
escapes,
Jan. 16, 1782

pledge himself to treat him not differently from the continental officers. General Leslie acceded to neither of these propositions. At the end of January the governor therefore returned to North Carolina.

On the day fixed for the meeting of the Assembly, Governor Martin and a number of members arrived at Salem; but a quorum did not attend. Five days later, January 30th, while the members were still lingering in hope of additional arrivals, Governor Burke unexpectedly appeared on the scene. At the election in March, Colonel Martin would cease to be the speaker of the senate and therefore it was argued he could not act as governor after that date. This consideration induced Governor Burke to assert his right to resume the administration: and the next day, January 31st, Colonel Martin delivered to him all the papers in his possession as governor, and gave him all the information possible about public matters. As no quorum appeared, the Assembly then adjourned.

Clewell's
Wachovia,
159

He resumes the administration

Entering promptly on the administration, Governor Burke immediately undertook to remedy the great derangement of public affairs, and applied himself to the work of establishing peace in the State and making the people secure in their homes. His attention was first given to the condition of supplies and provisions for the army, and to the accounts of those in charge of public property. But he was not unmindful of the Tory bands. On February 5th he directed General Butler to send parties into the disaffected settlements, for Fanning was gaining strength and it was feared that he would seize Butler himself and other principal officers. To form the nucleus of an army Burke directed the state drafts to rendezvous immediately at Hillsboro. Indeed he was now all energy and acted with spirit. Having ordered Glaubeck to meet him at Halifax, and Glaubeck not attending, he at once put him under arrest; and similar action was taken as to others who were not prompt in observing his directions. Calling his council together, it was determined that the general plan the governor had in mind at the time of his capture should be now carried into effect, and a

January 31st

S. R., XVI,
500

S. R., XVI,
131, 125, 134

1782

strong and efficient force should be marched into the disaffected region and the Tories quieted or expelled from the State. And inasmuch as it was thought that the regulations restricting exportations had worked to the injury of the State, he by proclamation gave permission for the free and unlimited exportation of all commodities, and otherwise sought to re-establish commerce in its natural channels. Some of those who had been convicted of treason by the courts he allowed to be executed, but he pardoned others on condition that they should serve twelve months in the continental service, they being thereafter regarded as citizens of the State.

Major Bennet Crofton was the senior officer of the state battalion authorized by the last Assembly, among the other officers of that battalion being Captain George Farragut, a native of Minorca.* Governor Burke did not think Major Crofton equal to the command of the expedition which he had in mind, and so selected Major Hogg of the continentals for that duty. Major Crofton, however, refused to abdicate, and although the governor placed him under arrest, his disobedience of orders interfered so seriously with the collection of the drafts that the proposed expedition came to naught.

S. R., XVI,
560-562.

Fanning's brutality

To the proclamation of Governor Martin offering pardon, Fanning made some objections, and proposed other terms, saying that if his terms were not agreed on his sword would be continually unsheathed, as he was determined he would not leave one old offender alive that had injured any of his Majesty's friends. The general conduct of this relentless partisan at this time is well illustrated by some extracts from his diary: "We wounded two of them mortally, and several slightly. . . . The day following we pursued them to Cumberland County, and on my way I burned Captain Cox's house and his father's. On my return to Little River, . . . fell in with one of Captain Golson's men who had been very assiduous in assisting the rebels. I killed him. . . . And I went with a design of burning Captain Golson's

*Afterward the father of Admiral David Glasgow Farragut.

house, which I did, and also two others. In my way I fell in with a man, . . . and on observing me that day he attempted to escape, but I shot him." Pending negotiations, however, Fanning remained more quiet; and eventually in February he and his officers made a proposition for a truce to last at least six months, and not to exceed twelve, similar in terms to the truce granted to Colonel Gainey in South Carolina by Marion the preceding June: the truce-land to be from Cumberland County twenty miles north and south, and thirty east and west, to be kept totally clear of light horse. Every man who had been in arms in behalf of the British Government was to have a right to withdraw himself into that district, and to have free trade with any port, but not to carry arms.

After making his proposition for a truce, for a time Fanning remained passive; but having heard of the execution of some of his men under the sentence of the court, he could control himself no longer, and wrote to the governor: "I understand that you have hung three of my men, and have a captain and six men under sentence. If the effusion of blood is not stopped and the lives of these men saved, I will retaliate, blood for blood, and tenfold for one; and there shall never an officer or private of the rebel party escape that falls into my hands hereafter, but they shall suffer the pain and punishment of instant death. If my request is not granted by March 8th, I shall fall upon the severest and most inhuman terms imaginable." March 8th came and his proposition for a truce-ground had not been agreed to; and, moreover, he had heard that Colonel Balfour, of Randolph County, had said that there should be no "resting place for a Tory's foot on the face of the earth." This excited his ire, and, accepting the challenge, he wreaked a fearful vengeance. Having equipped a party, he set out for Balfour's plantation. Margaret Balfour, the colonel's sister, has preserved an account of that affair: "On March 10th," she wrote, "about twenty-five armed ruffians came to the house with the intention to kill my brother. Tibbie and I endeavored to prevent them, but it was all in vain. The wretches cut and bruised us both a great deal, and dragged us from the dear man. Then before our eyes the worthless, base, horrible Fan-

1782

S. R.,
XXII, 211Negotia-
tions with
Fanning,
Feb., 1782Balfour
killed,
Mar. 10, 1782Bios. Hist.
N. C., II, 12

1782

March

Fanning's
butcheries

ning shot a bullet into his head, which soon put a period to the life of the best of men and most affectionate and dutiful husband, father, son and brother. The sight was so shocking that it is impossible for tongue to express anything like our feelings; but the barbarians, not in the least touched by our anguish, drove us out of the house, and took everything they could carry off, except the negroes, who happened to be all from home at the time." Fanning, detailing the adventures of that raid, writes in his diary: "We also wounded another of his men. We then proceeded to their colonel's (Collier), belonging to the said county of Randolph. On our way we burned several rebels' houses, and caught several prisoners. . . . It was late before we got to Collier's. He made his escape, having received three balls through his shirt. But I took care to destroy the whole of his plantation. I then . . . came to one Captain John Bryan's. . . . I told him that if he would come out of the house, I would give him parole, which he refused. . . . With that I immediately ordered the house to be set on fire. . . . As soon as he saw the flames increasing, he called out to me, and desired me to spare his house for his wife's and children's sake, and he would walk out with his arms in his hands. I immediately answered him that if he walked out his house should be saved for his wife and children. When he came out he said, 'Here, damn you, here I am.' With that he received two balls through his body. He came out with his gun cocked and his sword at the same time. . . . I proceeded on to one Major Dugin's house, and destroyed all his property, and all the rebel officers' property for a distance of forty miles."

Such were some of the scenes of the barbarous warfare, waged even after the surrender of Cornwallis, in the Deep River region.

Progress of events

1782
April

A new election occurred in March, and the Assembly convened at Hillsboro on April 13th. Conditions had greatly changed. The surrender of Cornwallis, the successes of Greene, and the departure of Craig, put a new aspect on the face of affairs. The end of the long struggle was now in

sight. Indeed, although then unknown in America, Parliament had declared for peace. On February 27, 1782, it was moved and carried in the British House of Commons that the war ought to cease. The king, however, was not of that mind. He was still eager to press hostilities notwithstanding the apparent hopelessness of victory, and his answer to the address of the House was so unsatisfactory that on March 4th that body solemnly resolved that "it would consider as enemies to the king and to the country all who should advise a further prosecution of the war." This language could not be misunderstood. Sullenly and reluctantly George III yielded when he could contest no further. Lord North resigned, the ministry was changed, and Rockingham came into power on the principles of a restoration of peace. Unhappily he soon died, but his policy had prevailed, and now it was only a matter of negotiation. His attitude toward the colonies struggling for independence had been so humane and based on such high principles, that three years after his death North Carolina erected a memorial in his honor by creating a new county and bestowing upon it his name.

1782
Parliament
constrains
the king

Rocking-
ham
honored in
North
Carolina

But while it seemed that the victory had been won, North Carolina did not abate her efforts to maintain an army in the field so long as any British troops remained on the borders of the State.

Indeed both General Washington and the Continental Congress apprehended from information received from Europe that King George was seeking to form foreign alliances, and would again prosecute an active campaign; and great pressure was made on the State to fill up her continental battalions. Moreover, General Greene gave alarming intelligence that a force consisting of four vessels was preparing in Charleston to plunder and destroy the town of Beaufort, where there was a large quantity of public and private stores, and then perhaps intending to enter the sound and take New Bern and Edenton. Apprehensions of this invasion led to renewed activity; and Governor Burke ordered General Caswell and General Jones each to raise five hundred men and protect the coast.

Apprehen-
sions

¹⁷⁸²
March
S. R., XVI,
513

Besides, in March the Tories to the southward gave signs of renewed hostility. They embodied to the number of five hundred, and were very bold. They threatened to march on Wilmington, and it was supposed that their purpose was to plunder the inhabitants of that town. The Whigs quickly embodied, and Colonel Kenan hastened with the Duplin militia to the aid of Colonel Robeson, and together they confronted the hostile malcontents. It developed, however, that the object of the Tories was merely to possess themselves of some vessels in the river and make their escape from the country. Defeated in their purpose, they retired to the truce-ground in South Carolina, and this was the last of their formidable demonstrations in that quarter.

S. R., XVI,
558

Further in the interior Fanning continued his operations, and was irrepressible. Indeed his audacity was such a menace that Governor Burke deemed it necessary to have a party of both horse and foot at Hillsboro to secure the safety of the Assembly when it should meet. When the Assembly convened, it was therefore protected by a military force under the command of Major McCauley. Quietude reigned until April 30th, when a report gained credence that the fearful Fanning was approaching, and the members and the governor thought themselves in danger of being carried off into captivity. In the emergency the members took arms and bravely paraded; but happily the alarm was without foundation, and the session of the Assembly was not interrupted by any untoward event. Fanning's proposition for a truce land was rejected by the Assembly, and in May he determined to abandon the contest and leave the State. He married a girl on Deep River, whose father had been useful to him when in distress, and found a refuge in the truce land in South Carolina.*

Fanning
departs,
May, 1782

S. R., XVI,
534

As the election for governor was coming on, Colonel Martin began to court popularity with great avidity. Burke had gained popular favor the preceding year by the stand he had taken against the excesses of forage masters and those im-

*In June this redoubtable partisan leader, whose boldness, enterprise and resolution, had he been on the patriot side, would have ranked him high in American annals, made his way to Charleston and later he passed some time in Florida, but eventually settled in Nova Scotia, where he lived to a green old age.

pressing and seizing provisions for the army; now Martin sought popularity by a severe attitude toward disaffected persons. Governor Burke apparently desired a re-election. Major McCauley was a friend of the governor's, and on Sunday morning, April 14th, he visited the different rooms occupied by the members of the Assembly, and gathered from their conversation their views about the approaching election. He reported to the governor that Samuel Johnston, William Sharpe, and Colonel Martin, as well as himself, were much talked of; but that he was supposed to be still under parole, and that the way he had left Charleston was much debated. However, he said: "Your friends are very steadfast, and with a little of your assistance when a house is made I doubt not but to have success."

But Burke saw that sentiment was against him. He ceased his efforts to secure the election, and when the Assembly was organized, in an elaborate address he referred to his financial embarrassment and the necessity he was under of devoting his attention exclusively to his private affairs. However, doubtless with the hope of softening the adverse opinion that prevailed because of his breach of his parole of honor, he laid before the Assembly all the correspondence relative to his flight from Charleston. Although some steadfast friends still adhered to him, he was not a candidate for the office. Samuel Johnston, William Sharpe, and John Williams were among those voted for, but Colonel Alexander Martin, who had so recently been the acting governor, won the prize.

On being elected governor, Colonel Martin on April 22d made a spirited address to the Assembly, declaring that "British pride, long supported by riches and power, late drunk with the idea of conquest of these states, with reluctance at last must bend to superior force." But he called on the Assembly to maintain the army, and be prepared for any emergency. He recommended mercy to those citizens who having been in revolt had surrendered themselves to the justice of the State; and in particular he said: "The education of your youth demands your serious attention; savage manners are ever attendant on ignorance, which, without correction in time, will sap the foundation of civil govern-

1782

April

Burke
desires a
re-electionS. R., XVI.
293Alexander
Martin
chosenS. R., XVI.
295-297

1783

April

ment. Those states who want knowledge and wisdom in their councils have generally fallen a prey to their wise neighbors, or require their guardianship. This will never be our fate while those seminaries of learning now established be further supported by your authority, and others created when they are wanting." Although not the father of the university, he broke ground in favor of education before the echoes of the war had even subsided.

New legislation

The Assembly now proposed to carry into effect its purpose of establishing a permanent seat of government near the centre of the State, and resolved that thereafter the legislature should always hold its sessions at Hillsboro; but a year later this action was annulled. The palace at New Bern was directed to be repaired, rented out, or sold.

Courts of
Equity

S. R.,
XXIV, 441

When the superior courts were established in 1777, equity jurisdiction was denied to the judges on the ground that all issues of fact should be tried by a jury. Session after session the lawyers combated this view and urged that the judges should have the powers of a chancellor, and now at the end of the war this change was made, and the title of the courts became "Superior Courts of Law and Equity." A new judicial district was created, embracing Washington and Sullivan counties across the mountains, and Lincoln, Burke, and Wilkes on the eastern side; and while terms of court were to be held at Morganton, two sessions a year were directed to be held west of the mountains.

S. R.,
XXIV, 474

The
Moravians

Because of the impoverished condition of the people in the Wilmington district, who had suffered so much from the depredations of the Loyalists, those inhabitants of that section who should be excused by the county commissioners were exempt from the payment of taxes; and the residents of Bladen were required under penalty of fine to carry with them their arms and six rounds of ammunition whenever they attended courts or elections or any public meeting, for the Tories were not yet entirely subdued in that region.

The Moravians had been fearful that their lands would be regarded as subject to the confiscation acts. In 1778 they applied for some alteration in the form of the oath of

allegiance, and that they might on the payment of the regular tax be exempt from military service. At first their request was not favorably considered, and without some relief, under the orders of the court of Surry County, they would have been compelled to abandon their homes in sixty days should they further delay taking the prescribed oath. Mr. Hooper befriended them when all seemed dark in the Assembly, and satisfactory legislation was obtained. Still doubts were entertained lest their lands were subject to the confiscation act, and at this session all uncertainties were finally removed.

1782
—
April, 1782

The depreciation of the currency

The public accounts being in great confusion, the office of Comptroller of Accounts was created, and Richard Caswell undertook its duties. The depreciation of currency was such that while in December, 1778, the decline in value was only 5 per cent., a year later it was 30 per cent. During the following year it went by leaps and bounds, until in December, 1780, it fell 200 per cent., and the next December its value had declined 725 per cent. No greater depreciation than 800 per cent. was, however, recognized by the Assembly. The value of a Spanish milled dollar was fixed at 8 shillings, making a shilling in North Carolina 12½ cts. A tax was laid by the Assembly of one penny on the pound of value of all property embracing land and negroes; but two-thirds of this tax could be paid in commodities. Quakers and other non-combatants were, however, subjected, as they had been during the war, to a threefold taxation. Inasmuch as there were many worthy citizens of the State still confined on prison ships and suffering the most cruel hardships, the legislature directed the governor to send Samuel Bryan and others under sentence of death to be exchanged for militia officers of similar rank, and that he should cause a sufficient number of Tories to be sent on to General Greene's camp to be exchanged for the citizens held by the British, sending also the wives and families of the Tories; and the governor was directed to continue to do this from time to time. And if General Leslie would not carry out in good faith

S. R.
XXIV,
438, 435

May, 1782

Tories
exchanged

1782

this proposition, the treason laws of the State were to be rigidly enforced.

S. R.,
XXIV, 424

The Assembly addressed itself to giving effect to its confiscation acts, and appointed commissioners to sell the property of those who had adhered to the enemies of the State. Provision, however, was made for unfortunate families, and where a wife or widow or children of a Tory remained in the State, the county courts were directed to set aside so much property, both real and personal, as would provide them adequate support.

The Continental Line

1782

On March 30th a board of officers of the North Carolina line had held a meeting to arrange the continental officers of the State to command the four continental battalions which had been provided for. Thomas Clark was assigned to command the First Battalion; Colonel John Patten the Second; Lieutenant-Colonel Selby Harney the Third, and Lieutenant-Colonel Archibald Lytle the Fourth. There were ninety-six officers embraced in this arrangement. Some, Colonel James Armstrong, Colonel James Thackston, and Captain Francis Childs, were allowed to retire on half pay. The Assembly approved of this arrangement, and the officers took the commands assigned them.

While under the exchange many officers as well as men were returned to duty, yet as late as November Colonel Clark, Major Nelson, six captains and eight lieutenants of the North Carolina line were still unexchanged, although paroled.

S. R.,
XXIV,
419-422

The Assembly was not indifferent to the hardships endured by the soldiers, and took measures for their relief; while in order to manifest its appreciation of their patriotic service, it granted to every soldier who should continue in the ranks until the end of the war 640 acres of land, and to every officer a larger quantity according to his rank, a colonel receiving 7200 acres; a brigadier, 12,000 acres, while to General Greene was given 25,000 acres. This land was set aside for the soldiers in the wilds beyond the mountains, now in the State of Tennessee.

The Indians
renew
hostilities

The Indians had long been quiet, and General Greene

on taking command of the Southern army had made a particular treaty with them to preserve their neutrality, but now, although the British cause no longer wore a hopeful outlook, they were suddenly inclined to renew hostilities. They were active in Georgia and in South Carolina, and against the inhabitants of Washington County, where, under the direction of the legislature, lands intended for the soldiers were to be located. In July Martin Armstrong wrote: "The Indians are very troublesome in this side of our new county." Colonel Crawford with four hundred and eighty men was totally defeated by them, aided by the British Tories.

1782

S. R., XVI,
627

A year later, in August, 1783, Governor Martin, understanding that there were still some Cherokee prisoners held in Rutherford and Lincoln counties, directed General McDowell to have them given up to Colonel Joseph Martin, in command across the mountains, that he might send them to the Indian nation in exchange for the white prisoners the Indians held.

Nor were the Tories pacified: even in October they made a demonstration in Bladen. When the judges issued warrants against some rioters in that county they threatened to disturb the court, and Governor Martin felt that the menace was so great as to require General Lillington to protect the court with his militia.

After the battle of Eutaw, on September 8th, the British commander, Colonel Stuart, took post at Monk's Corner, and Greene on the high hills of the Santee. Lord Rawdon, having previously sailed for Europe, General Leslie, then serving in Virginia, was appointed by Cornwallis to command in the Carolinas, and he soon made his headquarters at Charleston. Although there were some slight conflicts, a period of inactivity set in between the contending armies. Greene took post at Camp Round O, on the Edisto, about forty miles from Charleston, hemming the British in to the coast. In the spring of 1782 General Leslie proposed a cessation of hostilities, which, however, was not agreed to. Not supplied with provisions from abroad, Leslie was forced, in order to relieve the distress of his troops, to forage on the country as far as he could make incursions, but his field of operations was so restricted that only an insufficient supply could be ob-

General
Leslie
remains at
Charleston
1782

1782

The
deplorable
condition of
the army

S. R., XVI,
513, 534, 645,
687

tained. His troops suffered severely, and so did those in the Whig camp.

Indeed, the condition of the army in South Carolina was deplorable. No clothing or provisions could be obtained from Virginia or Maryland, while South Carolina was utterly unable to supply their necessities. North Carolina was their only resource. Colonel Dixon reported to General Sumner in February that "some of our officers are so bare of clothes that they cannot mount guard or keep company with decency." On May 15th Colonel Murfree wrote that the men were almost naked, and a great many were returned not fit for duty for want of clothes. Officers felt compelled to resign because they could get no pay and could not live. The legislature having taken steps to keep the ranks of the battalions filled, all during the year drafts were being collected and sent forward. General Greene had urgently requested that at least three thousand head of cattle should be sent to camp, together with some rum and salt, for the army was in great distress for the want of these necessities. And in August Governor Martin wrote to General Bryan, the superintendent-commissary for the New Bern district, that General Greene is still in great distress for beef. "Must General Greene," said he, "retreat before a conquered and despairing enemy, abandon all his conquest, give up South Carolina for the want of food, and return to this State? . . . Rather than he should be compelled to this alternative, which would disgrace the State to eternity, I would through all opposition drive to him everything in the shape of a cow or steer" to be found in North Carolina. Truly, the situation of the army at that period was most distressing; not merely were the troops ragged and without decent clothing, but subsistence was scarce, and their deprivations excessive and heartrending.

S. R., XVI,
703

All during the summer the opposing forces in South Carolina watched each other, waiting for some development. At length, in August, General Leslie announced in general orders his intention of evacuating Charleston. To stop the further effusion of blood, he addressed General Greene, asking permission to purchase from the country such supplies as might be furnished him until he should be ready to sail. As

desirable as this practical suspension of hostilities was for the advantage of the naked and destitute American soldiers. General Greene felt constrained to refuse the accommodation. How deplorable was the situation of the army was portrayed by General Greene in a report: "For upward of two months more than one-third of our army was naked, with nothing but a breech-cloth about them, and never came out of their tents. . . . Our condition was little better in the articles of provision." In September the preparations for evacuation were apparent; but autumn passed without action, and it was not until December 14th that the British, having embarked, took their departure. General Greene with his continentals at once occupied the city, which the next day was restored to the civil authorities.

1782

Lee's
Memoirs,
572Charleston
evacuatedDec. 14,
1782

The number of troops furnished by North Carolina

It is impossible to ascertain with entire accuracy the number of North Carolinians who were in the field during the war for independence. There were originally six battalions of continentals of 500 men each, and later the battalions of Colonel Hogen, of Williams, and Sheppard marched to the north, so that 4500 continentals might be computed for these. There was Vance's artillery company and Dickinson and Ashe's cavalry, and Phifer's cavalry, numbering about 400. In the spring of 1779 there was a battalion of continentals with Lincoln and in the fall General Sumner had a brigade of new continentals in South Carolina, altogether 1500. All these disappeared on the surrender of Lincoln. Major Eaton's battalion in the early summer of 1781 numbered about 400; Sumner's brigade at Eutaw Springs, 1000. The returns of this brigade in April, 1782, showed 1000 on the roll. The Assembly of April, 1782, directed that every thirtieth man in the State should be drafted for eighteen months to fill up this brigade, and these drafts were being sent forward in May and later. They were calculated to raise 2000 men, and even in September selections from the militia were being made to complete these drafts, so that probably 1000 new men became continentals after the summer of 1782. These figures aggregate 8800 continentals. On the reorganization, in 1781, the new battalions

1783

were numbered the First, Second, Third, and Fourth, the former ones having been obliterated.

There were originally 3000 six-months' minute men: 700 militia marched in the "Snow campaign"; 1500 with Rutherford against the Cherokees. Colonel Williams had 300 with the Virginia troops at the same time. There were probably 3000 militia besides minute men and continentals on the Cape Fear in the Moore's Creek campaign, and in May, when the British fleet was in the harbor; for it is stated that the number of troops in arms at that time was 9400. In the fall of 1776 General Allen Jones's brigade was in South Carolina, numbering, say, 600. General Rutherford carried 700 and Ashe 2000 to the aid of General Lincoln; to take their place, Butler carried 700 to Lincoln in June. Early in 1780 Lillington carried, say, 800 to Charleston, where Colonel Lytle already had a detachment of two regiments, numbering perhaps 400. A thousand North Carolina militia were surrendered by Lincoln. General William Caswell marched to the relief of Charleston with 800. At Camden, under Richard Caswell, there were 1600. In June General Rutherford had his brigade of, say, 800 and Davie, say, 200. The First Brigade commanded by Sumner, three regiments, 800; Butler's brigade, assigned to Sumner, 800; Harrington, 450; the North Carolina detachments at King's Mountain, 1000; General Gregory, in defence of the Albemarle section, 600; with Morgan at Cowpens, 300; Davidson's brigade, after his death commanded by Pickens, 700; Lillington, near Wilmington, 600; Eaton's brigade and Butler's, at Guilford Court House, 1600; Colonel Kenan, 400; General Caswell, 150; General Lillington, in August, 600; Colonel Hawkins's cavalry, 150; Wade, Brown, Robeson, 800; Malmady, at Eutaw Springs, 600; Rutherford, Butler, Smith, and Graham, in October, 1200; Colonel Isaacs, 300; State troops, 500; sailors and companies stationed at the forts on the coast, 600. These aggregate 27,800. Certainly there were many duplications; how many is a mere matter of conjecture. It is to be remembered that the inhabitants of the State were divided into militia companies, and these companies into five classes, and when a draft of militia was made for three months, the regular term, one of these classes only

was embraced in the draft, until all the five drafts, being all the militia, had been called out into service, so that the error of duplication is largely minimized. Indeed, first and last it would seem that every man, not a Tory, in the State capable of bearing arms was at one time or another called into active service, although for only one tour of duty. It has been computed that there were 22,000 different names on the muster rolls of the North Carolina troops. Probably that is a correct statement. Were there no duplications the number would be 36,600.

Except in the territory where the Highlanders and the Regulators resided, and in Tryon County, there was but little disaffection. In Bladen fifteen companies of the militia out of eighteen were inclined to the British: in Cumberland and Anson, at least one-half of the people were disaffected, and similarly in the Deep River country. Elsewhere the proportion was not near so great.

On January 29, 1783, Captain Eve brought the ship *Ducres*, bound from Jamaica to New York, which was still held by the British, into Wilmington. Lord Charles Montague, lieutenant-colonel of a British regiment, Captain Montague, and four or five other British officers had taken passage for New York. When well at sea, Captain Eve informed these officers that they must consider themselves his prisoners, and he brought them into the Cape Fear and delivered them to General Lillington. It was at once reported to Governor Martin that the regiment raised for Lord Charles Montague was chiefly composed of captive continentals taken at Charleston, who were compelled to enlist into the British service, under Montague's own direction, on the pain of severe penalties. For this conduct Governor Martin thought that Montague should suffer some punishment. The other officers were paroled as prisoners, but allowed to go abroad, while his Lordship was paroled only to North Carolina. There was some delay in communicating these circumstances to General Greene, and before he was informed of Governor Martin's purpose to deal with his Lordship differently from other prisoners, General Greene paroled him with permission to go to New York. On inquiry General Greene found that Lord Charles did enlist

The capture
of Lord
Montague.
S. R., XVI.
741

1783

American soldiers into the British service, but it was said that it was by the voluntary act of the prisoners themselves. The punishment in contemplation by the North Carolina authorities was thus defeated, as the parole by General Greene could not be annulled.

The condition in 1783

The eight years that had elapsed since the first provincial convention assembled in August, 1774, had brought many changes. Harvey had died while the colonists were just entering on the struggle to maintain their rights as British subjects, and year by year the leaders who had set in motion the ball of revolution mourned the loss of some of their number. James Moore, Francis Nash, James Hogun, Harnett, Hewes, Buncombe, Davidson, John Ashe, Gideon Lamb and many of their associates had perished without beholding the glorious consummation of their patriotic desires and unselfish sacrifices. It is to be observed that among the North Carolinians who had enrolled themselves under the banner of the American cause there was not a single desertion during the whole course of the conflict. The contest had been doubtful. It brought many vicissitudes and much suffering. The state as well as the continental currency had ceased to have value. Many families had been utterly impoverished. Misery and desolation were diffused through innumerable households. Civil war and carnage had raged from Surry to Brunswick. Murder and pillage had stalked through a large section of the State, and families expelled from their homes had sought asylums in distant parts, and were too impoverished to return. Many mothers and children were bereft of their last support, their sacrifices in the cause of independence being irreparable. In the desolated region of the Cape Fear even the wealthiest of the patriots were ruined by the ravages of the war. They had cheerfully laid their all on the altar of their country. Hard had been the conflict, but in the darkest hours the brave hearts of the North Carolina patriots became still more courageous, and in their adversity they bore their sufferings with resolution and fortitude. At length the storm-clouds passed away, the sky was no longer obscured, and hope gave

place to assurance. The ardent longing became a joyful realization.

1783

On September 21, 1782, Lord Shelburne being then at the head of the administration, the King of Great Britain acknowledged the independence of the American States, and authorized Oswald, the British commissioner at Paris, to make a treaty of peace, which, however, was not to be operative until agreed to by France also. On November 30, 1782, preliminary articles were drawn up requiring a cessation of hostilities, and on January 20th France gave her assent. The war was over. Independence had been won. The long and arduous struggle had closed, and everywhere, in the household of every patriot, there was great rejoicing. But in the bosoms of many there burned a strong resentment against the detested Tories.

S. R., XVI,
752

At the next session of the Assembly Governor Martin in his opening address said: "With impatience I hasten to communicate the most important intelligence that has yet arrived in the American Continent," the acknowledgment by Great Britain of the independence of the American States and the appointment of commissioners to conclude a treaty of peace, which was signed on January 20th. He continued: "Nothing now remains but to enjoy the fruits of uninterrupted constitutional freedom, the more sweet and precious as the tree was planted by Virtue, raised by Toil and nurtured by the Blood of Heroes. To you, gentlemen, the representatives of this free, sovereign, and independent State, belongs the task, that in sheathing the sword, you soften the horrors and repair those ravages which war has made, with a skilful hand, and thereby heal the wounds of your bleeding country." He recommended an act of pardon and oblivion, with some exceptions, and said: "Let the laws henceforth be our sovereign: when stamped with prudence and wisdom, let them be riveted and held sacred next to those of Deity. . . . Happy will be the people, and happy the administration when all concerned . . . contribute to this great end."

Governor
Martin's
address,
April 18,
1783Preliminary
Treaty,
Jan. 20, 1783S. R., XIX,
240

Governor Martin's re-election was strenuously contested by Governor Richard Caswell, but without avail. Martin's majority being 17. There were those who never forgave

1783

April

Caswell for withdrawing from the service of the State in the dark hours after the battle of Camden, although he continued to wield a great influence, and later again enjoyed the gratification of directing the affairs of the commonwealth.

The
sovereign
State

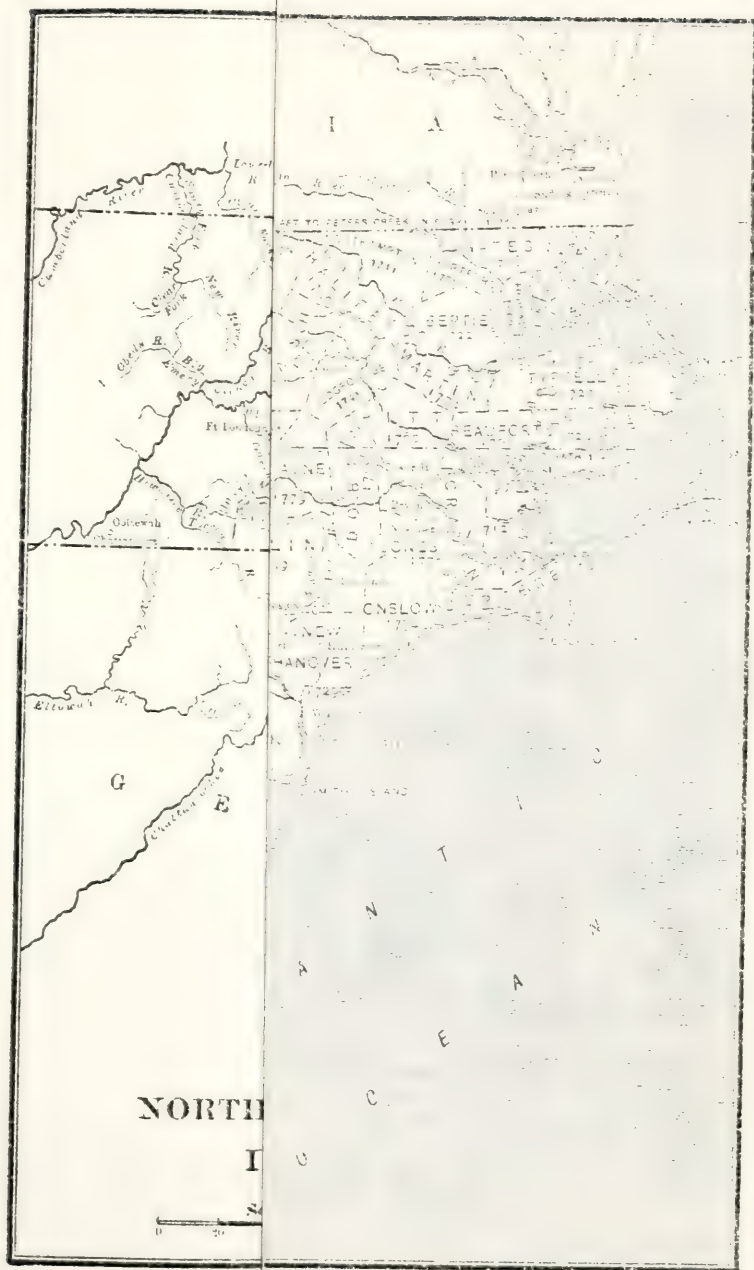
S. R., XVI,

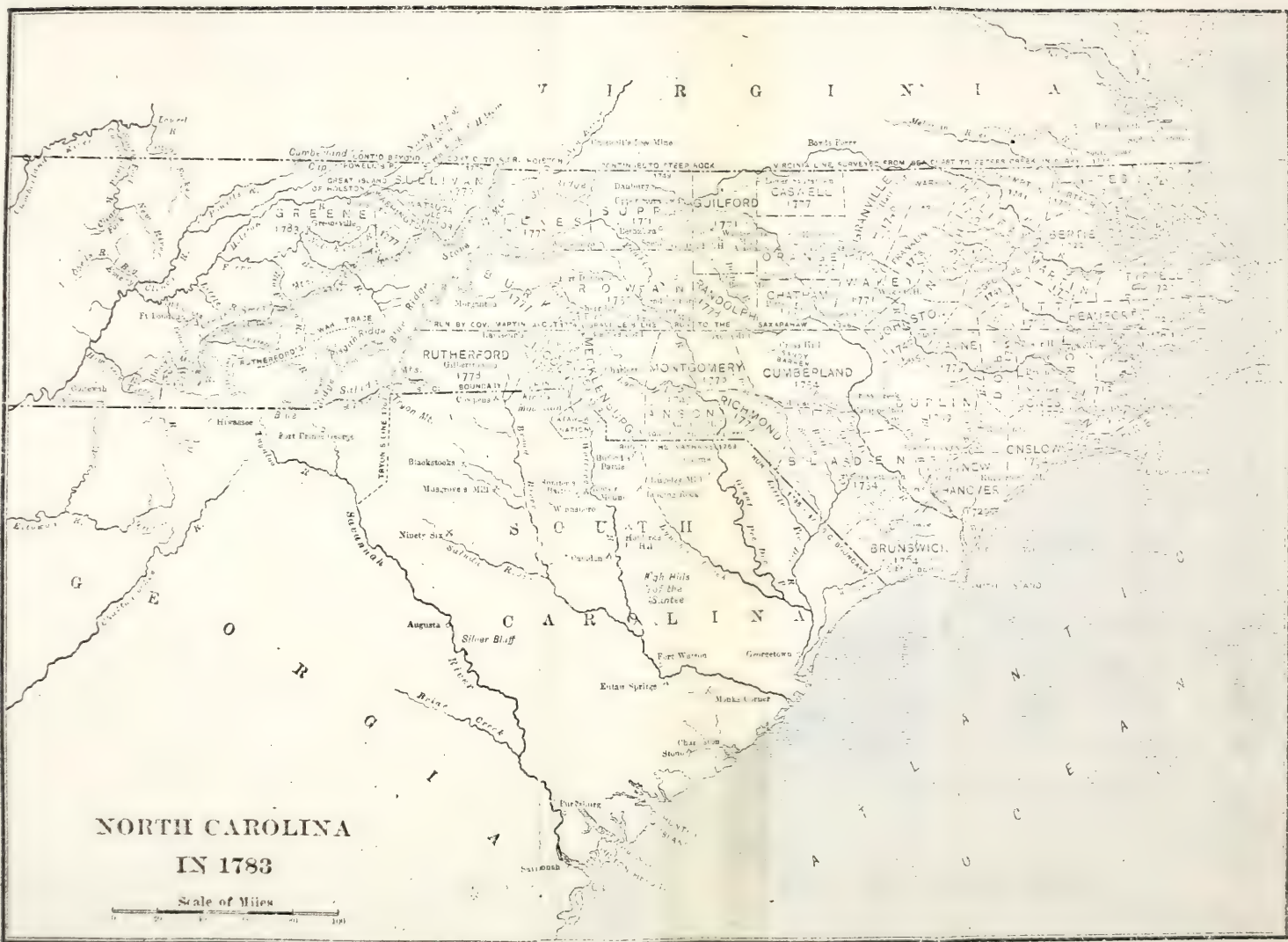
725

Although the last British soldier had departed from the southern states, General Greene continued to hold the remnant of his army together at Charleston. The regiments, however, constantly grew smaller by the expirations of enlistments. By January 5, 1783, all the North Carolina battalions except one had been sent home on furlough; and finally on April 23d Greene was instructed to furlough his troops, and the last of the North Carolina continentals, relieved from further service, returned to their homes.

Definitive
Treaty,
Sept., 1783

After much delay, in September, 1783, the Definitive Treaty of Peace was signed. By it Great Britain formally acknowledged the United States, naming North Carolina and each of her sister States separately and particularly, to be "free, sovereign, and independent States," and relinquished all claims to any right in them. And thus North Carolina entered on her career as a separate, distinct, and sovereign State.





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